

HOBBISS'S *On the Citizen*

A Critical Guide

Edited by
Robin Douglass
and Johan Olsthoorn

in, non le amant mutuo, sed odi
sequuntur. Clarum adeo est expi-
tia omnibus, qui res humanas pat-
tentius considerant, quod congre-
omnis spontaneus vel cœlestis mi-
conciliatur, vel captandi glori-
te referte. Student congreident-

cum modum aliquod, vel illu-
minis, existimationem & honorem
ad locios. Idem quoque ratione co-
itur ex ipsis definitionibus *Volumi*,
Boni, *Honoris*, *Utilitatis*. Cum eni-
metas voluntariò contrahatur, in or-
ganis societatis periretur voluntatis. Oi-
lum hoc est, id quod video
cum congreidentium Bonum si-
nacquid autem videtur Bonum, j-
adum est, pertinetque ad organi-
ad minimum. Animis autem volu-
tatis, vel gloria est, (sive bei-
mari de se ipso) vel ad gloriam u-
no referuntur; cetera sensualia sum-
mi ad sensuale conducentia, quæ os-
i commodorum nomine comprehe-
nendunt. Omnis igitur societas v-
erbi, non solum gloria, hoc ef-
ficiens, non sociorum amore contrahit,
lorum autem studio nulla iniiri neg-
atur, neque multa tet-
ris, societas potest; propterea qu-

Hobbes's *On the Citizen*

This is the first book-length study in English of Thomas Hobbes's *On the Citizen*. It aims to show that *On the Citizen* is a valuable and distinctive philosophical work in its own right, and not merely a stepping-stone toward the more famous *Leviathan*. The volume comprises twelve original essays, written by leading Hobbes scholars, which explore the most important themes of the text: Hobbes's accounts of human nature, moral motivation, and political obligation; his theories of property, sovereignty, and the state; and, finally, his ideas on the relation between secular and ecclesiastical authority, and the politics behind his religious ideas. Taken together, the essays bring to light many distinctive aspects of Hobbes's thought that are often concealed by the prevailing focus on *Leviathan*, making for a richer and more nuanced picture of his moral, legal, and political philosophy.

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Abbreviations

The following abbreviations are used for frequently cited works of Hobbes:

- AW *Thomas White's De Mundo Examined*, trans. Harold Whitmore Jones. London: Bradford University Press, 1976.
- B *Behemoth, or The Long Parliament*, ed. Paul Seaward. Oxford: Clarendon Press, 2010.
- C *The Correspondence*, 2 vols, ed. Noel Malcolm. Oxford: Clarendon Press, 1994.
- DCo “De Corpore,” in *Th. Hobbes: Opera Philosophica quae Latine scripsit*, vol. 1, ed. William Molesworth. London: John Bohn, 1839.
- DCv *De Cive: The Latin Version*, ed. Howard Warrender. Oxford: Clarendon Press, 1983.
- DH *De Homine*, trans. in *Man and Citizen*, ed. Bernard Gert. Indianapolis: Hackett, 1991.
- DPS “A Dialogue between a Philosopher and a Student, of the Common Laws of England,” in *Writings on Common Law and Hereditary Right*, ed. Alan Cromartie and Quentin Skinner. Oxford: Clarendon Press, 2005.
- EL *The Elements of Law, Natural and Politic: Part I, Human Nature, Part II, De Corpore Politico*, ed. J. C. A. Gaskin. Oxford University Press, 1994.
- EW *The English Works of Thomas Hobbes of Malmesbury*, 11 vols, ed. William Molesworth. London: John Bohn, 1839–45.
- L *Leviathan: The English and Latin Texts*, ed. Noel Malcolm. Oxford: Clarendon Press, 2012.
- LL Latin *Leviathan*, in *Leviathan*, ed. Malcolm.
- OC *De Cive*, trans. as *On the Citizen*, ed. Richard Tuck and Michael Silverthorne. Cambridge University Press, 1998.

- PL "The Prose Life," in *The Elements of Law*, ed. Gaskin,
pp. 245–53.
- TSO "Third Set of Objections," in *The Philosophical Writings of
Descartes*, vol. 2., ed. and trans. John Cottingham, Anthony
Kenny, Dugald Murdoch, and Robert Stoothoff. Cambridge
University Press, 1984, pp. 121–37.
- VL "The Verse Life," in *The Elements of Law*, ed. Gaskin,
pp. 254–64.

References to AW, DCv, DH, EL, and OC are given by chapter and section numbers. References to EW are given by volume and page numbers. References to L and LL are given by chapter, paragraph, and page numbers in the Clarendon edition. For other works, references are given by page number to the edition cited.

Unless otherwise stated, spelling, capitalization, and punctuation generally follow the conventions in the editions cited, although rounded and pointed forms of “u” and “v” have been modernized. Chapter contributors have been given the freedom to decide whether to follow seventeenth-century conventions of referring to “man” and use the male pronoun, or to update such language into gender neutral terms.

Introduction

Robin Douglass and Johan Olsthoorn

This is the first book-length study in English of Thomas Hobbes's *On the Citizen* (1642/1647).¹ The amount of scholarly attention this political tract has received pales in comparison with the later *Leviathan* (1651/1668) – a text which has achieved canonical status and has even been called “the greatest single work of political thought in the English language” (Rawls 2007: 23). Numerous monographs and several volumes of essays exclusively dedicated to *Leviathan* have appeared over the years (e.g. Foisneau and Wright 2004; Sorell and Foisneau 2004; Springborg 2007). Most scholarly discussions of Hobbes's moral, legal, and political ideas take *Leviathan* as their point of departure, with earlier enumerations of his political philosophy treated merely as stepping-stones toward the later work. The aim of this volume is to bring *On the Citizen* out of the shadow of *Leviathan* and to show that it is a valuable and distinctive philosophical work in its own right. That this aim is worthwhile is supported by both historical and philosophical considerations, which we outline briefly here by way of introduction, before providing an overview of the chapters that follow.

On the Citizen was the first published statement of Hobbes's political philosophy.² He wrote it after having fled to France in 1640, and it was complete by November 1641, the date of the “Epistle Dedicatory” to his patron William Cavendish, the Earl of Devonshire. Its full Latin title, *Elementorum Philosophiae Sectio Tertia de Cive*, signaled its place as the third

¹ A volume exclusively dedicated to *On the Citizen* has recently appeared in German. Höffe (2018) offers a chapter-by-chapter commentary of Hobbes's text and is intended more as a classroom resource than as original scholarly interpretation.

² *The Elements of Law* was circulated in manuscript form in 1640 and was later published in two parts (without Hobbes's authorization) in 1650. For helpful discussions of the publishing history of Hobbes's works, upon which we draw here, see Warrender (1983: 1–36); Tuck (1998); Malcolm (2002: 459–69). Further details are supplied by Baumgold and Harding (Chapter 1), and Johann Sommerville (Chapter 11).

part in Hobbes's planned "Elements of Philosophy" project.³ Marin Mersenne arranged for a small number of anonymous copies to be printed privately in Paris, which appeared in 1642 but were not for sale. Mersenne shared copies with members of his intellectual circle, soliciting feedback which he then passed on to Hobbes. From the responses they received, it soon became clear that *On the Citizen* – and especially its views on religion – would prove deeply controversial. Summarizing the reception of the 1642 edition, Jon Parkin (2007: 36) writes that, even among this carefully selected audience, *On the Citizen* "ran into a hail of criticism as soon as it appeared," and it was immediately apparent that many of Hobbes's arguments "would be simply unacceptable to a wider audience."

On the Citizen nonetheless received such an audience with the publication of a revised edition in Amsterdam in 1647, which appeared under the more concise title *Elementa Philosophica de Cive*. While its place in the tripartite system was jettisoned from the title, Hobbes added a "Preface" explaining both the "Elements of Philosophy" plan and his decision to complete *On the Citizen* first due to the impending civil war in England (OC Pref. 18–19).⁴ He also added many notes to the 1647 edition, in which he clarified and defended some of his arguments in response to criticisms raised against the 1642 text. The 1647 edition was an instant commercial success, but many readers still found its doctrines deeply subversive. In 1654, *On the Citizen* received the dubious honor of being the only of Hobbes's works to make it onto the Vatican's index of prohibited books during his lifetime; *Leviathan* was only added in 1703, soon followed by the rest of Hobbes's works in 1709 (Malcolm 2002: 470).

While *On the Citizen* courted controversy in both England and Europe, it was also regarded as a work of the utmost philosophical importance. Hobbes certainly regarded it as such, memorably pronouncing "Civil philosophy . . . no older . . . than my own book *De Cive*" (EW 1: ix; also EW 7: 471). If this seems like vain-glory on Hobbes's part, it is worth noting that some of his contemporaries came close to endorsing the view. François de Verdus wrote to Hobbes that in *On the Citizen*, "you were the first and the only person to demonstrate the true principles of the duties of

³ The first part, *On Body (De Corpore)*, was later published in 1656, and the second, *On Man (De Homine)*, in 1658.

⁴ Hobbes's own account does leave some questions unanswered. As Deborah Baumgold (2008: 835–6) points out, in marked contrast to the 1647 "Preface," the "Epistle Dedicatory" to the 1642 edition stressed Hobbes's reluctance to intervene in the politics of any particular state (OC Ep. Ded. 11).

civil life” (C 228). Gottfried Wilhelm Leibniz, later a trenchant critic of Hobbes, likewise declared that in “your little book *De Cive* you seem to have surpassed yourself in the strength of your reasoning and the weight of your opinions, so that one might think you were giving the pronouncements of an oracle rather than handing down the theories of a teacher” (C 733). Perhaps readers exaggerated their true opinion in private correspondence with Hobbes, but the philosophical significance of *On the Citizen* was also avouched publicly in some of the most important works of philosophy in the seventeenth century.⁵ In the “Preface” to his *Two Books of the Elements of Universal Jurisprudence*, for example, Samuel Pufendorf ([1660] 2009: 10–11) acknowledged the debt “we owe to Thomas Hobbes, whose basic assumption in his book, *De cive*, although it savours somewhat of the profane, is nevertheless for the most part extremely acute and sound.” Similarly, in the entry on “Hobbes” in his landmark *Historical and Critical Dictionary*, Pierre Bayle ([1697] 2000: 84) wrote that *On the Citizen* “made Hobbes many enemies but he obliged the more far-sighted to admit that the fundamentals of politics had never previously been analysed so well.”

Bayle’s view was subsequently cited as authoritative, even by those who were generally critical of Hobbes,⁶ and it succinctly captures the importance of *On the Citizen* to its early-modern European audience. Indeed, it is worth stressing the European dimension here, given that *On the Citizen* was originally published in Latin and swiftly translated into French by Samuel Sorbière in 1649 (by contrast, a French translation of *Leviathan* was first published only in 1971). As Noel Malcolm (2002: 459) observes, *On the Citizen* “dominated the European understanding of Hobbes” and was the one work “most likely to be cited by any continental writer discussing his ideas in the late seventeenth and eighteenth centuries.”⁷ Many of the most important European philosophers of the seventeenth century – including Hugo Grotius, Benedict de Spinoza, Samuel Pufendorf, Gottfried Leibniz, and Pierre Bayle – first encountered Hobbes’s political ideas from reading *On the Citizen* and, even if they read *Leviathan*

⁵ Including by Leibniz ([1667] 2013: 160–1) in *A New Method for Learning and Teaching Jurisprudence*.

⁶ The most influential example is probably Jean Barbeyrac (1706: §29), who quoted Bayle on this point in his magisterial “Preface” (of nearly a hundred pages) to his widely-read translation of Samuel Pufendorf’s *Of the Law of Nature and Nations*. On Barbeyrac’s influence in shaping Hobbes’s reception history in France, see Douglass (2015a: 37–46).

⁷ See at greater length Malcolm’s (2002: 457–545) comprehensive study of Hobbes’s European reception, which also details the influence of *On the Citizen* on many lesser-known figures today.

subsequently, their views on his political philosophy were likely formed by their engagement with the earlier work.⁸

As we move out of the seventeenth century, it becomes more difficult to discern which of Hobbes's texts shaped the understanding of his readers, especially following the publication of a collection of his Latin works (the *Opera Philosophica*) in 1688, which included the Latin *Leviathan* and all three parts of the "Elements of Philosophy." Nevertheless, *On the Citizen* clearly remained a highly influential expression of Hobbes's political philosophy throughout much of Europe. Some ideas or turns of phrase unique to *On the Citizen* became a staple of Hobbes commentary. A good illustration of this is found in mid-eighteenth century French thought, where a series of prominent philosophers – including Jean-Jacques Rousseau ([1755] 1992: 35; [1762] 2010: 196), Claude Helvétius ([1758] 1973: 59), and Denis Diderot ([1765] 1992: 28) – all discussed Hobbes's claim from the "Preface" to *On the Citizen* that "an evil man is rather like a sturdy boy" (OC Pref. 13).⁹ Insofar as we are interested in how Hobbes's ideas shaped the development of early-modern political philosophy, such examples suggest that *On the Citizen* should be our first port of call.¹⁰

There are, of course, many other reasons for reading Hobbes today, aside from studying his intellectual legacy. What can be said for the importance of *On the Citizen* to understanding his philosophy more broadly? The text contains some pedagogical advantages over the other enumerations of his political thought. It is the most concise and arguably the clearest and most systematic statement of his political philosophy (points highlighted by Warrender 1983: 29; Tuck 1998: xxxiii). Somewhat ironically, given its place in the tripartite "Elements of Philosophy" project, it is also the one version of Hobbes's political philosophy that purports to be fully intelligible without being underpinned by a more detailed examination of human nature. Its opening chapter – "On the state

⁸ For example, when Pufendorf published *Two Books of the Elements of Universal Jurisprudence* in 1660, his knowledge of Hobbes appears to have been based principally on a close and detailed study of *On the Citizen*, whereas by the time he completed *Of the Law of Nature and Nations* in 1672, this was supplemented by a wider reading of Hobbes, including *On Man* and *Leviathan* (see Malcolm 2002: 522).

⁹ For further discussion, and for the evidence indicating that Sorbière's translation of *On the Citizen* was the most likely direct source of Rousseau's knowledge of Hobbes, see Douglass (2015a: 17–20).

¹⁰ While it is true that among English readers, the prominence of *On the Citizen* was more quickly eclipsed by *Leviathan*, the earlier work still had a central role in shaping Hobbes's largely hostile reception, with critics like John Bramhall having most likely formed many of their opinions of Hobbes's political philosophy before even reading *Leviathan*. See Parkin (2007: 32–71).

of man without civil society” – closely parallels chapter 14 of the *Elements* and chapter 13 of *Leviathan*, which means that the reader of *On the Citizen* is launched straight into Hobbes’s state of nature argument without having first been exposed to his analyses of human knowledge, reason, the passions, and language. In the “Preface” to *On the Citizen*, Hobbes assures us that the work does “not need the preceding parts, since it rests upon its own principles known by reason” (OC Pref. 19). Whether he was right (or even sincere) in claiming this is one of the issues that some of the following chapters grapple with, and in doing so they address the question of whether Hobbes successfully set out a freestanding political philosophy, which can be understood on its own terms, detached from his wider philosophical commitments.

As we suggested earlier, one aim of this volume is to resist a teleological approach to the development of Hobbes’s thought, which assumes that *Leviathan* is his most complete and accomplished political treatise. Some of the chapters in this volume address the extent to which – and the reasons why – Hobbes’s arguments change between the major recensions of his political philosophy; first, from the *Elements* to *On the Citizen*, and, second, from *On the Citizen* to *Leviathan*.¹¹ As is now well-known, thanks largely to the work of Deborah Baumgold, Hobbes employed a method of serial composition, which involved not just copying passages from one work to another, but also carefully editing and reorganizing the material.¹² Studying *On the Citizen* on its own terms is evidently imperative if we want to understand Hobbes’s philosophical development and the intellectual climes of Europe in the 1640s. Yet scrutinizing changes, additions, and deletions between Hobbes’s texts is valuable even for those primarily interested in the philosophy of *Leviathan*, since it improves our understanding of the position he ended up arriving at there. Reconstructing earlier arguments and conceptual presuppositions provides important heuristics to understand Hobbes’s later views, especially when former views are discarded.¹³ It can help us distinguish the moving parts of

¹¹ This is not to claim that these three works exhaust his political philosophy. There are also important changes between the English and Latin versions of *Leviathan*, and many of Hobbes’s other works address political issues. Some chapters draw on his wider corpus, although their focus tends to be more on works from the 1640s, given that *On the Citizen* is our principal focus.

¹² Baumgold’s three-text edition of Hobbes’s work now makes these changes far easier to trace (Hobbes 2017). On the method itself, see Baumgold (2008) and her chapter with Ryan Harding (Chapter 1).

¹³ We have tried to display this approach in our own work on Hobbes’s conception of justice and theory of property rights (Olsthoorn 2015a, 2015b), his account of liberty (Douglass 2015b), and ideas of representation and authorization (Douglass 2018).

Hobbes's arguments from the framing commitments. In *Leviathan*, for instance, the idea of authorization replaces the earlier *volenti non fit injuria* maxim to preclude sovereign injustice; recognizing this helps us to determine the function and place of authorization in Hobbes's political theory. Analyzing and reconstructing the arguments found in *On the Citizen* on their own terms is easier said than done. We are prone to read all-too-familiar ideas from *Leviathan* back into earlier texts, to allow us to swiftly make sense of passages that should give us pause. When, in *On the Citizen*, Hobbes boldly states that "the King is the people" (OC 12.8), it is tempting to read him as grasping at the thought that the monarch *represents* the people, an idea amply found in *Leviathan*, but we may fail to duly understand the claim and its place in Hobbes's wider theory if we treat it merely as a precursor of the later position. The chapters collected in this volume admirably resist this tendency of (unwittingly) filling in the blanks through the lens of *Leviathan*.

Understanding how Hobbes's arguments changed between his different works places us in a strong position to evaluate whether – and in what ways – the *Leviathan* version of his theory is, in fact, an improvement on his earlier accounts. As a working hypothesis, it seems reasonable to suppose that Hobbes's later works are argumentatively and theoretically superior on many scores, much as we would expect of a philosopher continually tweaking and refining his ideas. Absent countervailing contextual reasons, we may assume later works to contain Hobbes's philosophically most compelling views. Yet, as several of the following chapters remind us, the political context did change dramatically between 1642 and 1651, and *On the Citizen* and *Leviathan* were written in different languages for different audiences. While Hobbes clearly tried to improve the philosophical cogency of his arguments in many places, this was not always the sole reason he had for revising his theory. Some contributors to the volume see more changes between Hobbes's works than others, and some argue that the *On the Citizen* version of certain arguments is stronger than *Leviathan*, while others argue otherwise. This sometimes signals plausible interpretative disagreement, but not always: one of the virtues displayed by many of the chapters is that they are attentive to both what is gained and what is lost in the changes between *On the Citizen* and other works.

On the Citizen is divided into sections on "Liberty," "Government," and "Religion," and we have tried to ensure that they are all covered in plenty of depth (there are, of course, many overlaps between the three). The organization of chapters loosely follows this ordering, although the volume

commences with a more general study situating *On the Citizen* in relation to both the development of Hobbes's political theory – of which it was the second enumeration – and his tripartite “Elements of Philosophy” system. In Chapter 1, Deborah Baumgold and Ryan Harding seek to disentangle these two projects and expose the tensions between them. In particular, they show how each project gives rise to a different form of scientific enquiry: one formalist, on the model of geometry, and the other more substantive and empirical. Carefully tracing the revisions and reorganization of material from the *Elements* to *On the Citizen*, Baumgold and Harding argue that *On the Citizen* starts to move away from the formalistic approach due to its narrower focus on questions of a more substantively political nature. Examining the transition from the *Elements* to *On the Citizen*, they suggest, is key to understanding how Hobbes came to write distinctively *political* theory.

The political theory of *On the Citizen* commences with Hobbes's memorable rejection of the Aristotelian assumption ‘that Man is an animal born fit for Society’ (OC 1.2). At first glance, it might seem that Hobbes offers little more than a caricature of Aristotle's philosophy to enhance his own claims to originality, but, as Nicholas Gooding and Kinch Hoekstra argue in Chapter 2, the contrasts between their understanding of the natural and artificial bases of politics are, in fact, far deeper and more interesting. To show why, Gooding and Hoekstra identify the precise sections of Aristotle's *Ethics* and *Politics* that Hobbes targeted and maintain that his case for having placed civil philosophy on a new footing is based on systematic engagement with Aristotle's account of the foundations of political science. The very idea of naturally political animals, they argue, proves to be an oxymoron on Hobbes's account.

Chapter 3 also takes its point of departure from *On the Citizen* 1.2 – namely from Hobbes's claim that all the pleasures of the mind relate to glory. S. A. Lloyd unpacks the moral psychology behind this assertion and explores its implications for understanding Hobbes's political philosophy. She shows that Hobbes emphasizes the centrality of glory – or a certain aspect of glory, which she terms self-admiration – to a far greater extent in *On the Citizen* than in *Leviathan*, but that the psychological theory of the earlier work provides a crucial resource for understanding how political society might be successfully stabilized, a project to which Hobbes devoted more attention in the later work. While Hobbes is typically remembered for stressing the importance of fear in holding political society together, Lloyd argues that our desire to be considered equal to others – or, at least, not inferior – provides an under-appreciated basis both for motivating

compliance with the laws of nature and for educating people to become more civil in a Hobbesian commonwealth.

Chapters 4 and 5 both address the distinctive account of natural right in *On the Citizen*, albeit from very different perspectives. In Chapter 4, Susanne Sreedhar analyzes its implications for the scope and limits of political obligation. She focuses on the case of parricide – an example unique to *On the Citizen* – to demonstrate that subjects may justifiably disobey dishonorable commands, and not just those that imperil their life. By carefully reconstructing the logic of Hobbes's argument, Sreedhar shows that it relies on two conceptually distinct limitations to the rights that individuals transfer to the sovereign. In practice, these limitations will rarely come into tension with another, but it is possible to imagine occasions – such as that of Charles I's executioner – where the logic of Hobbes's argument leads to the paradoxical conclusion that a subject can be required to both obey and disobey a sovereign's command. This tension, Sreedhar argues, is clearest in *On the Citizen*, but remains unresolved in Hobbes's later discussions of political obligation.

In Chapter 5, Michael LeBuffe argues that Hobbes sets forth an account of right reason (*recta ratio*) in *On the Citizen* that is inconsistent with the account of reason found in both the *Elements* and *Leviathan*. By comparing passages from across the three works, LeBuffe shows that it is only in *On the Citizen* that Hobbes understands right action and the good in terms of right reason. Right reason thus undergirds Hobbes's account of natural right and natural law there in ways that it does not do in the other works, where he argues that humans lack (access to) right reason by nature. What are we to make of these differences? LeBuffe proposes an interpretative rule of thumb to explain cases where Hobbes changes position between the *Elements* and *On the Citizen* and then back again in *Leviathan*. Applying this rule, LeBuffe suggests that the account of right reason in *On the Citizen* – despite the emphasis that some commentators have placed on it – should not be taken as Hobbes's sincerely held position.

Hobbes scholars have long debated the extent to which his political theory should be regarded either as anticipating, or as completely antithetical to, liberal principles. In Chapter 6, Laurens van Apeldoorn adopts a novel perspective for addressing this question by deftly piecing together Hobbes's oft-neglected theory of property and considering its implications for sovereignty. He argues that if ownership consists in having preeminent power in conjunction with a natural right to exercise that power, as Hobbes holds in *On the Citizen*, then it follows that sovereigns, by virtue of their sovereignty, own everything in the commonwealth that can be

owned, including the citizens themselves and all that they possess. In showing that citizens cannot hold any property rights against the sovereign, Van Apeldoorn argues, *On the Citizen* develops a powerful and coherent defense of despotic sovereignty.

The proprietary conception of sovereignty is explored further in Chapter 7, which focuses on Hobbes's general theory of the state. Daniel Lee contends that Hobbesian sovereignty essentially consists in the lordship of a *dominus* over slaves; political subjection is thus modeled on domestic slavery. This claim might sound surprising to readers of *Leviathan*: Hobbes there appears to limit despotic sovereignty to commonwealths by acquisition. Lee argues that this shift is due to *Leviathan*'s English readership, for whom the view that sovereignty is of a kind with the dominion of masters over slaves would have been plainly unacceptable. However, the fundamental structure of Hobbes's theory of sovereignty, Lee reveals, remained essentially the same. Given how carefully concealed dominion is in *Leviathan*, close study of *On the Citizen* is imperative to grasp Hobbes's theory of statehood.

The idea of a multitude of natural persons uniting themselves by mutual agreement into one corporate person is at the heart of the various iterations of Hobbes's political theory. When writing *On the Citizen*, Hobbes had not yet developed the notion of authorized representation to explicate incorporation. In Chapter 8, Michael J. Green argues that *On the Citizen* contains three alternative accounts of how corporate persons are formed. A multitude forms one corporate person when its members accept obligations to support a sovereign, when the members are all compelled to act in concert, or when the members of the group adopt voting rules for making decisions. Green argues that the voting rules account remains crucial to explaining the formation of sovereign assemblies in *Leviathan* – notwithstanding Hobbes's attempt to exclusively rely on authorized representation. Green's analysis of *On the Citizen* thus offers new insights into the strengths and weaknesses of *Leviathan*'s better-known theory of incorporation.

Hobbes was acutely aware that political order would be jeopardized if people thought that their duties to God and the sovereign conflicted, hence his decision to include a section on religion in *On the Citizen*. Across his works, Hobbes maintains that we have a duty to love and fear God. However, Hobbes also raises a range of philosophical doubts about whether God really can be an object of passions such as love and hate. How are we to make sense of this apparent tension? In Chapter 9, Thomas Holden investigates Hobbes's doubts about directing our passions

“Godward” – focusing on arguments from inconceivability, honor, and ignorance. He argues that, in *On the Citizen*, Hobbes radically reconceptualizes the traditional duties to love and fear God. Rather than experiencing any feeling of passion toward God, Holden shows that, for Hobbes, to love God involves nothing more than obedience to the laws of nature.

The chapters on religion in this volume are particularly attentive to changes in emphasis and doctrine between Hobbes’s different works. Most existing scholarship on the development of Hobbes’s religious ideas has focused on the differences between *On the Citizen* and *Leviathan*, but in Chapter 10 Alison McQueen argues that *On the Citizen* represents a crucial “Hebraic turn” away from the *Elements*. She does so by identifying three important changes. First, Hobbes devotes considerably more space to religious and scriptural matters in *On the Citizen*, thereby giving them far greater emphasis than in his earlier work. Second, he strengthens his argumentative strategy in *On the Citizen* by adding new defenses of conclusions already established in the *Elements*. Third, Hobbes draws a lot more heavily on scriptural evidence from the Old Testament, especially in his detailed analysis of the Israelite kingdom of God, which is original to *On the Citizen*. These changes are best explained, McQueen argues, in terms of Hobbes’s increasing sensitivity to the changing political and religious context of 1640s England.

In Chapter 11, Johann Sommerville takes up anew the contested question of whether Hobbes’s ideas on church–state relations alter in any significant way between 1640 and 1651. He points out that Hobbes toned down his anti-papalism in *On the Citizen* – a work that was published, after all, in Catholic France. *Leviathan*, which first appeared in Protestant England, railed much more heavy-handedly against the pope and his “Kingdome of Fairies” (L 47.21: 1118). Notwithstanding this change of emphasis, Hobbes’s substantive views on church–state relations remained largely the same according to Sommerville – as his detailed analysis of the history of the printing and reception of Hobbes’s works attests.

In Chapter 12, A. P. Martinich likewise appeals to contextual reasons to explain a *prima facie* puzzle in Hobbes’s covenant theory. Hobbes uses the same language of covenanting to describe the mutual agreement by which individuals erect a civil sovereign over themselves, and the biblical testaments which God made with Abraham, the Jewish people, and all Christians, respectively. Yet sovereign-making and biblical covenants differ in structure in one important respect. While Hobbes is adamant

that the civil sovereign is not a contracting party to the original covenant, but merely its third-party beneficiary, God is presented as a contractual party to each of the three biblical covenants. Martinich argues that Hobbes had the resources to align the sovereign-making and biblical covenants by making God a third-party beneficiary in the last, thus obtaining theoretical parsimony and removing lingering doubt about how we can know God accepted His part. Yet Hobbes never made this move, presumably because the revisionist biblical exegesis required would have courted too much controversy. While Hobbes was sometimes willing to advance controversial religious views, he was far more inclined to do so when there were direct political advantages – and not just philosophical cogency – at stake.

Taken together, we think these chapters bring to light distinctive aspects of Hobbes's thought that are often concealed by the prevailing focus on *Leviathan*. What we have achieved we do not know, for we are all poor judges of our work (OC Ep. Ded.12). But we hope that the renewed attention to *On the Citizen* makes for a richer and more nuanced picture of Hobbes's moral and political philosophy – whether it is a more convincing one, we leave for the reader to decide.

CHAPTER I

Excavating On the Citizen

Deborah Baumgold and Ryan Harding

On the Citizen is a complicated composition by virtue of being part of two multi-volume projects. It is the second version of Hobbes's political theory, a series that, with the composition of *Leviathan*, would extend into three volumes, and it is also the third in a planned "Elements of Philosophy" series on body, man, and citizen. Having thus multiple contexts within the corpus of Hobbes's writings, understanding the work calls for disentangling the ways in which it relates to the different contexts. It is helpful, given Hobbes's method of composition, to think of these different strands as layers of argumentation. *On the Citizen*, published in 1642, is a much revised and reorganized version of an earlier work, *The Elements of Law*, which had circulated in manuscript form starting in May 1640. The compositional method was common in the period as a legacy of scribal publication. Labeled "serial composition" by Harold Love (1993: 53), the process of producing multiple, progressively expanded versions of a text made possible the adaptation of works for different audiences and the rapid production of new(ish) volumes.

The second context, the "Elements of Philosophy" plan, predates *The Elements of Law*, although we cannot be sure how much the plan impacted that manuscript. After meeting a group of scientifically-minded philosophers during a stay in Paris in 1636, Hobbes had come up with the concept of a set of volumes covering "the whole Course of Philosophy: Man, Body, Citizen" (VL 257). When he published *On the Citizen*, he announced its place in the project by giving it the full title *Elementorum Philosophiae Sectio Tertia de Cive*. The preface to its second edition of 1647 included a lengthy overview of the project: "in every branch of it [philosophy] I was assembling the first Elements. I arranged them into three Sections . . . the first Section would discuss body and its general properties; the second, Man and his particular faculties and passions; the third, the Commonwealth and the duties of citizens" (OC Pref. 18). This final volume was being published out of sequence, he continued, due to

the looming civil war. Although it would be more than a decade before the other sections appeared (*On Body* in 1655 and *On Man* in 1658), internal references to them were included in the first edition of *On the Citizen*.¹ In view of this explicit frame, it is safe to assume that, whatever the impact of the tripartite plan on the *Elements*, significant alterations in *On the Citizen* should reflect the project.

To what extent is *On the Citizen* a revision of the standalone *Elements* and to what extent is it a scientific treatise tailored to the three-part “Elements of Philosophy” model? What is the relationship between these layers? In adapting the original work to fit the model, did Hobbes create internal inconsistencies or make positive improvements in the argumentation? In addressing these questions, we will proceed chronologically, examining first the parallels between the *Elements* and *On the Citizen* and then proceeding to focus on new material. Tracing how the revision process affected specific arguments reveals Hobbes’s assessment of his own ideas, since changes in them are indicative of points that, to his own mind, needed reworking.

In excavating the layers of *On the Citizen*, we will be particularly interested in developments relating to its scientific frame. The *Elements* was formatted using a pseudo-geometrical style in which arguments are built on a scaffolding of highlighted “axiomatic” definitions and *On the Citizen* carries over that geometrical format. The “Elements of Philosophy” plan had something of a geometrical appearance, as well, in being laid out as a deductive sequence of works, progressing from physics (volume one) to psychology (volume two) to politics (volume three). Yet, although the deductive sequence is reminiscent of geometry, the plan involves a fundamentally different approach to scientific inquiry: one oriented to substantive natural science rather than formal logic. Hobbes himself saw these as separate layers that had been formulated at different times. During a 1629–30 trip to the Continent, he had discovered Euclid’s *Elements*. He recalled “delighting in his methodology, not only in relation to the theorems, but also in terms of his skilful reasoning.” It was only several years later, while on a second trip to the Continent, that “he began to investigate the principles of natural science . . . the variety of movement contained in the natural world” and “the ways in which they might effect

¹ Hobbes’s publisher requested that, since the previous sections had not appeared, the internal references and descriptive title *Elementorum Philosophiae Sectio Tertia* be omitted from the 1647 edition (C 131–3). The publication history of the two editions is discussed by Sommerville in Chapter 11.

the senses, the intellect, the imagination" (PL 246–7). Faithful to the author's understanding, we will examine separately how each model is applied in *On the Citizen*.²

Analysis of the role of the rival scientific models introduces a fundamental question about the nature of Hobbes's moral and political philosophy: Should we understand his arguments as formal in nature, à la geometry, or as essentially substantive and empirical, à la physics and psychology? Untangling the application of the rival models gives us entrée into Hobbes's view of these alternatives as well as a sense for the evolution of his thinking. To anticipate, we will find that Hobbes continued to work on developing a formal, geometrical approach to moral and political philosophy even as he also put the "Elements of Philosophy" plan into effect. In connection with the geometrical model, *On the Citizen* confronts the root problem posed by its requirement of settled foundations: How to arrive at incontestable definitions of root concepts and natural law? At the same time, consistent with the natural-scientific content of the "Elements of Philosophy" plan, Hobbes fills in formal arguments with substantive content. Specific areas of inquiry to be covered in each volume in the series are detailed in *On the Citizen*'s 1647 preface: the first will concern "the concepts of Time . . . Figure and Motion" and the second, "imagination, memory, understanding, reasoning, appetite, will, Good, Evil" etc. (OC Pref. 18). The third, *On the Citizen*, is to cover "the right of a commonwealth and the duties of its citizens" (OC Pref. 9). The specification of subject matter is carried through, we will see, in revisions made to arguments taken over from the *Elements*: here, formal arguments are enriched with new psychological and political content. Between the work's attention to flaws in the formal geometrical model and its substantive orientation, *On the Citizen* enhanced the purchase on real life of Hobbes's political philosophy.

The Relationship between *On the Citizen* and *The Elements of Law*

In retrospect, after completing all three versions of his political theory, Hobbes usually lumped together *The Elements of Law* and *On the Citizen* as a single project in which the first work was an initial draft and the second, the finished product. "A little before the last parliament of the

² For an account of the development of Hobbes's thinking about the two kinds of science in subsequent works, see Malcolm (2002: 146–55).

late king, when every man spake freely against the then present government, I thought it worth my study to consider the grounds and consequences of such behavior . . . And after some time I did put in order and publish my thoughts theoreof, first in Latin" and subsequently in *Leviathan* (EW 5: 453). In effect, the recollection associates the start of the project with the completion of the *Elements*: its dedication had been signed in May 1640, days after the close of the Short Parliament and six months prior to the Long Parliament. While it seems unlikely that Hobbes originally planned to use the *Elements* as the basis for a second volume, his move into exile in Paris in November 1640 made serial composition advantageous. This returned him to the company of Marin Mersenne, whom he had met by 1636, and the circle of philosophers and scientists surrounding Mersenne. It was conversation with the French mathematician that had encouraged Hobbes to develop the "Elements of Philosophy" project in the first place.³ Once back in Paris in 1640, it must have occurred to him that a good way to make his ideas accessible to Mersenne's circle and build his reputation was to use the existing manuscript as the basis for a work in the lingua franca of Continental philosophers and to frame the new work in the "Elements of Philosophy" scheme. Working in this serial fashion, Hobbes was able to turn the *Elements* into *On the Citizen* during his first year in Paris, and in November 1641 signed its dedication.

Adapting material in the *Elements* to the tripartite series required pruning its subject-matter. Hobbes excised the first thirteen chapters of the earlier work; they covered aspects of human nature (imagination, etc.) that belonged in the second volume of the series. Thereafter, *On the Citizen* closely parallels the *Elements of Law*. Part I, "Of Liberty," opens

³ In the "Verse Life," introducing the tripartite plan, Hobbes recalls the 1636 stay (VL 257):

Here with *Mersennus* I acquainted grew,
Shew'd him of Motion what I ever knew.
He both Prais'd and Approv'd it, and so, Sir,
I was Reputed a Philosopher.
Eight Months elaps'd, I return'd, and thought good
For to Connect what e'r I understood.

...
To various Matter various Motion brings
Me, and the different Species of Things.
Man's inward Motions and his Thoughts to know,
The good of Government, and Justice too,
There were my Studies then, and in these three
Consists the whole Course of Philosophy:
Man, Body, Citizen ...

with the state of nature and continues with the *Elements'* sequence of chapters on natural law.⁴ Part II, "Of Dominion," continues to parallel the *Elements* with the notable exception of the subject of religion,⁵ the major change in the work being the creation of a new Part III for this material.⁶

Honing and Improving Arguments

Hobbes is known for being a logical thinker, and it is this logical mind that many readers find most attractive about his political theory. Yet his political theory was not composed in the form of a systematic treatise but instead was developed and altered in successive texts. The quality of his mind is best seen in micro-level comparisons of arguments in *On the Citizen* with their initial versions in the *Elements*. Over and over again, *On the Citizen's* argumentation hones and improves upon parallel discussions in the *Elements*. In writing *On the Citizen*, Hobbes took the process of serial composition as an occasion for thinking harder about his arguments, and often this meant adding substantive content. Improvement shades into more extensive change in chapters toward the end of the work, which suggests that at the time of the Short Parliament some arguments had needed to be finished hastily and, to the author's mind, unsatisfactorily. The process of improving arguments and adding substantive content is evident at the most prominent points in the theory: in connection with the thesis that the state of nature would be a state of war; the absolutist version of political covenant; and in denial of governmental accountability.

⁴ *On the Citizen's* chapters cover "the state of man without civil society," "the natural law of contracts," "other laws of nature," and "the natural law is the divine law." They parallel four chapters in *The Elements of Law* titled "divesting natural right by gift and covenant," "some of the laws of nature," "other laws of nature," and "confirmation of the same out of the word of God."

⁵ Parallel chapters in the two works cover the political covenant (OC chapter 5; EL chapter 19), the sovereign's rights (OC chapter 6; EL chapter 20), three forms of government (OC chapter 7; EL chapter 21), household authority (OC chapter 8; EL chapter 22), parental authority (OC chapter 9; EL chapter 23), comparison of the disadvantages of the several sorts of government (OC chapter 10; EL chapter 24), causes of rebellion (OC chapter 12; EL chapter 27), the sovereign's duties (OC chapter 13; EL chapter 28), and law (OC chapter 14; EL chapter 29).

⁶ Part III of *On the Citizen* incorporates material covered in two chapters on religion in the political section of *The Elements of Law* (chapters 25 and 26). Hobbes also inserts a new chapter in Part II giving Scriptural evidence for the rights of monarchs (OC chapter 11).

The State of Nature

The explanation of the famous “Lord of the Flies” proposition that “The state of men outside Society is war” (OC 1.12, emphasis omitted) goes through multiple stages from the *Elements* through to the second edition of *On the Citizen*. At first, the principal cause is identified as natural equality, exacerbated by vain-glory, inter-personal comparisons, desire for the same object, and unlimited right. But equality, Hobbes apparently realized, would not in itself create a state of war; a fuller psychological picture was required to explain why men would be naturally warring. In the margins of a manuscript copy of the *Elements*, he scrawled a note sketching the further insights that natural equality and interpersonal comparisons lead humans to hate and fear one another and, hence, that human society arises from mutual fear rather than, as many thought, from natural sociability.⁷ The insights become the basis for a new account of the state of nature in *On the Citizen*: “By nature, then, we are not looking for friends but for honour or advantage from them. This is what we are primarily after; friends are secondary.” “Hence,” Hobbes concludes, “no one should doubt that, in the absence of fear, men would be more avidly attracted to domination than to society” (OC 1.2). Nor was he finished with the argument at that point. In the second edition, replying to a critic’s objection that mutual fear would not generate civil society, he adds a note adducing empirical evidence of the ubiquity of fearful behavior even within a civilized society. “In my view, not only flight, but also distrust, suspicion, precaution and provision against fear are all characteristic of men who are afraid. On going to bed, men lock their doors; when going on a journey, they arm themselves because they are afraid of robbers” and so forth (OC 1.2n).⁸

⁷ We are grateful to Johann Sommerville for drawing our attention to the margin note. The passage is from EL 14.2 at folios 118b–19a in the manuscript of *The Elements of Law* in Magdalene College, Cambridge, Pepys Library, 2099, item 7, ff. 84a–173b. The note gives examples of self-aggrandizing behavior that are reiterated in *On the Citizen*: censuring others, topping one another’s stories, and professing to know more than others (OC 1.2).

⁸ See, too, OC Pref. 11. Readers of *Leviathan* will recognize the passage as evolving further in that work into eloquent language describing how behavior in contemporary society proves the proposition: “Let him therefore consider with himselfe, when taking a journey, he armes himselfe, and seeks to go well accompanied; when going to sleep, he locks his dores; when even in his house he locks his chests; and this when he knowes there bee Lawes, and publike Officers, armed, to revenge all injuries shall bee done him . . . Does he not there as much accuse mankind by his actions, as I do by my words?” (L 13.10: 194)

The Political Covenant

As sure as Hobbes was about the desirability of absolute government and innovative as he was in attempting a contractarian brief for it, he was less sure about the brief than about the position. The trail of draft versions of the political covenant is among the plainest examples of his efforts to use serial composition to improve argumentation. Comparing the parallel descriptions of the political covenant in the several works, we see him trying out different versions. In the *Elements*, “every man by covenant oblige himself to some one and the same man . . . to do those actions, which the said man . . . shall command them to do” (EL 19.7) and, based on this promise, “a man will easily fall upon this conclusion of himself: that to sovereign power (whatsoever it doth) there belongeth impunity” (EL 20.12). Apparently, though, he actually was not so sure that a promise of obedience suffices to establish sovereign impunity. In *On the Citizen* he takes a different tack by eliminating any hint of a contractual relationship between ruler and ruled. Here the political covenant is described as consisting in a mutual promise in which only the incipient subjects participate: “each of them obligates himself, by an Agreement with each of the rest, not to resist the *will* of the *man or Assembly* to which he has submitted himself” (OC 5.7). In consequence of these mutual agreements, the government is “free of obligation” (OC 7.7).

Yet Hobbes was immediately cognizant of a flaw in the second description: it left open the logical possibility that an entire citizen body might undo their mutual promises. Even though that could never actually happen, he explains in a later chapter, many people believe a majority vote in a “great convention” would be sufficient to dethrone a sitting sovereign. Hence there is need, he says, for subjects to acknowledge a direct tie to the sovereign in addition to their obligation to other subjects.

[A]lthough power is constituted by the agreements of individuals with each other, that is not the only obligation on which the right of government rests. There is also the obligation towards the holder of power . . . Thus by the agreements made between individuals which bind them to each other and by the gift of right which they are obliged to the ruler to respect, the power of government is secured by a double obligation on the part of the citizens, an obligation to their fellow citizens and an obligation to the ruler. Therefore no number of citizens can rightly strip the ruler of his power unless he gives his own consent as well. (OC 6.20)

In effect, this idea of a double obligation combined *On the Citizen*'s non-resistance covenant among incipient subjects with the *Elements*' notion of

subjects' obligation to the sovereign. Still, regarding the account of the state of nature, Hobbes was not done: the specification of a direct tie between sovereign and subject will develop into a third version of the covenant, the "authorization" formulation of *Leviathan*. While there is no way of knowing whether he was content even with that last defense of absolutism, the textual history shows that he found the enterprise of defending absolutism challenging.

Original Democracy

There was a second argument against accountability that simply needed to be fixed in *On the Citizen*. In the *Elements*, endorsing an argument made earlier by John Selden (1614: 3–4) in *Titles of Honor*, he put forward the proposition that democracy is the original form of all government.⁹ The assertion had obvious affinity to the position of opponents of divine-right monarchy, like Suarez ([1612] 1944: Book 3, chapters 2–4), who held that political authority derives from the people rather than from God.¹⁰ But Hobbes meant to turn the idea against them. Using a materialist conception of democracy in which the term is identified with the decision-making processes of a people's assembly, he set out to explain why a democratic foundation actually makes rulers *unaccountable*.

In the *Elements*, this was done through a two-step hypothetical story about the development of government from a necessary basis in democracy. At the origin, the political covenant includes an agreement to adopt majority rule: "And this is that which giveth being to a democracy" (EL 21.2). All who enter the union must consent to the rule, and they, the people, are then simultaneously sovereigns and subjects. It would be nonsensical to imagine that they, in one capacity, are accountable to themselves in the other. "[H]ow unjust soever the action be, that this sovereign *demos* shall do, is done by the will of every particular man subject to him, who are therefore guilty of the same. If therefore they style it injury, they but accuse themselves" (EL 21.3).¹¹ When, subsequently,

⁹ EL 21.1 (précis): "Democracy precedeth all other institution of government." Sommerville (1984: 444) draws attention to Selden's argument.

¹⁰ Curiously, Hobbes betrays some sympathy for the usual politics of the "original democracy" thesis in the *Elements*. An aside in the work praises, of all figures, Aristotle: who "saith well (lib. 6, cap 2 of his *Politics*), *The ground or intention of a democracy, is liberty*" (EL 27.3). But he quickly backtracked: *On the Citizen* explains away the passage as a mistaken confusion of power, which by definition the people possess in democracy, with liberty (OC 10.8).

¹¹ It is worth noticing how, just as in regard to the political covenant, *Leviathan*'s authorization covenant will draw on this earlier formulation. The "authorization" logic for non-accountability

monarchy or aristocracy replace democracy, the absence of accountability simply carries over into those constitutions (EL 21.7, 21.9).

Thus, the argument of the *Elements* is that the idea of “democracy first” does not logically support a claim of rulers’ accountability to the people. By the time he wrote *On the Citizen*, Hobbes had figured out that the thesis is largely irrelevant to governments in the real world and entirely irrelevant to established monarchies. This stronger argument hinged on the insertion of a crucial modifier into the narrative about the creation of government: “When men have met to erect a commonwealth, they are, *almost* by the very fact that they have met, a *Democracy*” (OC 7.5, initial emphasis added). The qualifier “almost democracy” is explained via a new distinction between the constitutional assembly in which the state is created and democracy as a form of government. The assembly’s agreement on majority rule qualifies it as democratic only in a rudimentary sense. Democracy as a form of government has stiffer requirements: “A people . . . retains *sovereign Power* only so long as a certain time and place is publicly known and appointed, on which those who so wish may convene”; in addition, if the democratic government does not meet at close intervals, it must appoint someone or a body to govern when in recess (OC 7.5–6). The new distinction – between a constitutional assembly and democracy as a form of government – undoes “democracy first” as a route for justifying sovereign impunity. As a form of government defined as meeting certain specific requirements, democracy is a contingent phenomenon, only one among several possible forms of government. Accountability may be nonsensical in that specific form of government, just as it is also nonsensical in regard to the constitutional assembly, but these are discrete situations and, as such, do not bear on understanding the nature of government generally.

These three examples of revisions to major arguments suggest that Hobbes did not have the goal in mind, the goal we take for granted, of producing a systematic, synthetic treatise. His mind, the examples show, was more analytic than synthetic: he was more interested in improving discrete arguments than in putting them together. His way of working and the process of serial composition suited this analytic bent. John Aubrey, his friend and first biographer, recorded about the composition of *Leviathan*

recycles the *Elements*’ argument regarding democracy: “[B]y this Institution of a Common-wealth,” *Leviathan* states, “every particular man is Author of all the Soveraigne doth; and consequently he that complaineth of injury from his Soveraigne, complaineth of that whereof he himselfe is Author; and therefore ought not to accuse any man but himselfe; no nor himselfe of injury; because to do injury to ones selfe, is impossible” (L 18.6: 270).

that his habit was to concentrate on a specific point: he “walked much and contemplated, and he had in the head of his staffe a pen and inke-horne, carried alwayes a note-booke in his pocket, and as soon as a thought darted, he presently entred it into his booke . . . He had drawn the designe of the booke into chapters, etc. so he knew whereabout it would come in” (Aubrey 1898: 334–5). The same piecemeal concentration on particular arguments is apparent in the process of serial composition that led from the *Elements* to *On the Citizen*.

This process of composition gives readers unusual access to the author’s mind: through comparison of the several versions of an argument, we can surmise what he was thinking about. Taking seriously the unique character of Hobbes’s theorizing implies, as well, a warning against interpreting his works as though they were synthetic treatises. Recognizing that his logical mind operated at the level of arguments rather than of the edifice as a whole, interpreters should be cautious when taxing the theory with internal inconsistencies. In place of synthesizing arguments with one another, Hobbes often simply layered new formulations on top of earlier ones. This layering process is apparent in our next subject, the idea and practice of science.

Formal and Substantive Scientific Inquiry

Both the geometrical method and the “Elements of Philosophy” plan figure in *On the Citizen*, but differently. By the early 1640s, Hobbes was preoccupied with problems in the geometrical model and intent on developing the substantive political science called for by the “Elements of Philosophy” plan. Formalism was on the way out, although he would never wholly abandon it, and substantive analysis on the way in.

To be sure, the geometrical model of *The Elements of Law* is carried over intact in *On the Citizen*. While two of *Elements*’ chapters on the nature of scientific inquiry are dropped in the excision of the initial section of that work,¹² a discussion of the difference between science and faith is recycled in the context of a later chapter on religion. The parallel passages are shown below. The distinction between science and faith is drawn in the same way in both works, and, in both, science is defined along geometrical lines as a definitional enterprise.

¹² These are chapters 5 and 6: “Of Names, Reasoning, and Discourse of the Tongue” and “Of Knowledge, Opinion, and Belief.”

 Definitions of Science versus Faith in *On the Citizen* and *The Elements of Law*¹³

<i>On the Citizen</i>	<i>The Elements of Law</i>
Chapter 18, “Of what is necessary for entry into the Kingdom of Heaven”	Chapter 6, “Of Knowledge, Opinion, and Belief”
<p>4. [P]ropositions which we accept as true . . . The reasons are drawn either from the <i>proposition</i> itself or from the <i>person of its proponent</i>. They are drawn from the <i>proposition itself</i> by calling to mind what things the words [<i>nomina</i>] which make up the proposition are used to signify by common consent; in this case, the assent which we give is called <i>Knowing</i> [<i>Scire</i>] . . . For example, it may be proposed that <i>two and three are five</i> . . . if one then assents that it is therefore true that <i>2</i> and <i>3</i> together are the same as <i>5</i>, that assent shall be called <i>knowledge</i> [<i>scientia</i>] . . . Likewise, if we remember what it is that is called <i>Theft</i> and <i>wrong</i>; we shall <i>know</i>, from the words themselves whether it is true that <i>Theft is a wrong</i>, or not . . . It contributes to knowledge to explain the words in which the subject of inquiry is put forward; in fact, this is the one and only way to knowledge, <i>the way of definitions</i>.</p>	<p>4. Knowledge, therefore, which we call SCIENCE, I define to be evidence of truth, from some beginning or principle of sense. For the truth of a proposition is never evident, until we conceive the meaning of the words or terms whereof it consisteth, which are always conceptions of the mind; nor can we remember those conceptions, without the thing that produced the same by our senses. The first principle of knowledge therefore is, that we have such and such conceptions; the second, that we have thus and thus named the things whereof they are conceptions; the third is, that we have joined those names in such manner, as to make true propositions; the fourth and last is, that we have joined those propositions in such manner as they be concluding. And by these four steps the conclusion is known and evident, and the truth of the conclusion said to be known.</p>
4. But when the reasons for which we assent to a proposition are drawn not from the <i>actual proposition</i> but from the <i>person of its proponent</i> . . . our assent is called <i>Faith</i> . . .	<p>7: [W]hen the opinion is admitted out of trust to other men, they are said to believe it; and their admittance of it is called BELIEF, and sometimes faith.</p>

Also to be noted in the comparison is Hobbes's continuing employment of a pseudo-geometrical presentational style. In *On the Citizen*, as in the *Elements*, highlighted definitions are used to telegraph the axiomatic method (“*Theft is a wrong*”). In addition, making the definitional approach even plainer, Hobbes occasionally inserts the locution “that we may define it,” or similar language, into a foundational statement. For example, where the *Elements* stated, “There can therefore be no other law of nature than reason, nor no other precepts of NATURAL LAW” (EL 15.1), *On the*

¹³ OC “Index of chapters,” 18.4 EL “Chapters and Tables of Contents,” 6.4, 6.7.

Citizen adds an explicit note that this is an axiomatic definition: “The *Natural law* therefore (to define it) is . . .” (OC 2.1).¹⁴

Yet Hobbes was also increasingly attentive to a key problem with importing the geometrical method to civil and moral philosophy: namely the contestability of moral and political definitions. The problem – evident, e.g., in the passage’s analogy between Arabic numbers and the concepts “theft” and “wrong” – had worried Hobbes from the beginning and becomes a major preoccupation in *On the Citizen*. It is a variant of the issue framed in twentieth-century philosophy as the “essential contestability of some social concepts” (MacIntyre 1973; also Gallie 1956). We will see that he came to worry about the contestability of almost all concepts outside mathematics and geometry, including, most importantly, moral and political definitions.

Hobbes had been aware of the problem in the *Elements* and had tried out one solution there. In view of “how unconstantly names have been settled, and how subject they are to equivocation, and how diversified by passion, . . . and how subject men are to paralogism or fallacy in reasoning, I may in a manner conclude, that it is impossible to rectify so many errors.” He thought a possible solution lay in “beginning anew from the very first grounds of all our knowledge, sense; and, instead of books, reading over orderly one’s own conceptions: in which meaning I take *nosce te ipsum* for a precept worthy the reputation it hath gotten” (EL 5.14).

But Hobbes must have been unsatisfied with the solution because he made the definitional problem, as we might call it, a major concern in *On the Citizen* and in a contemporaneous tract known as the *Anti-White*. Written soon after the completion of *On the Citizen*, the latter responds to a work by Thomas White entitled *De Mundo* and covers a variety of philosophical subjects. The *Anti-White*, like *On the Citizen*, elaborates the causes of the definitional problem and essays various solutions. In these two works, Hobbes identifies multiple sources of erroneous definitions: vulgar usage, absence of settled signification, reference to inconceivable things. Abandoning the appeal to *nosce te ipsum*, he tries out three other solutions: common usage, civil definition, and “right reason.”¹⁵ Common usage – “what things the words [*nomina*] . . . are used to signify by common consent” (OC 18.4) – has obvious flaws. “We are not,” he

¹⁴ For other examples, compare EL 20.10 with OC 6.9 (“CIVIL LAWS (to define them)”; EL 23.9 with OC 9.9 (“LIBERTY (to define it)”; EL 29.1 and OC 14.1 (“*law* . . . is defined thus:”). Also OC 18.4 (“To know what *Christian Faith* is, one must first define *Faith* in general”).

¹⁵ The *Anti-White* touches on a fourth solution: technical definitions by philosophers (AW 37.1).

explains in the *Anti-White*, “the first to devise names; we received them from our nurses, our teachers” and so on “and the majority of names have been applied neither accurately nor [sic] in a constant and fixed sense” (AW 30.20; cf. EL 27.13). The second solution – a “sovereign definer” and civil law – is satisfactory and particularly forceful in denying authority to Christian doctrine and Christian authorities.¹⁶ But it is of limited philosophical value as it pertains only to organized societies (OC 2.1).

The last candidate for a solution – “right reason” – is commonly accounted as one of the most interesting concepts in *On the Citizen*.¹⁷ A concept with a long history in Roman and Thomistic natural jurisprudence, Hobbes uses the term in customary fashion to denote an objective principle of right and wrong. “[A]ll men allow that any act not contrary to right reason is *right*, and therefore we have to hold that any act in conflict with right reason (i.e. in contradiction with some truth reached by correct reasoning from true principles) is *wrong*” (OC 2.1).¹⁸ While not quite unique to *On the Citizen*, the concept is almost so. Surveying Hobbes’s use of the term in various works, Robert Greene finds forty-three appearances in *On the Citizen* versus four in the *Elements* and ten in *Leviathan* (seven of which are on the same page). These are not exact totals, he notes, since Hobbes sometimes used “reason” and “natural reason” as synonyms for “right reason” and further muddle is introduced in the translation of *On the Citizen* (Greene 2015: 999–1000, 1008). Still, overall, the comparisons demonstrate Hobbes’s “deliberate, if temporary, commitment to the primacy of *recta ratio*” in *On the Citizen* (Greene 2015: 1012).

The concept of “right reason” – specifically in the form of objective definitions – is front and center in the *Anti-White*. The general question is posed: “whether philosophy [i.e., all inquiry] should or should not be treated logically,” meaning mathematically, and the key to doing so is identified as a matter of “explaining the definitions of names in order to eliminate ambiguity (this is termed ‘to define’)” (AW 1.1–2). These must correspond with reality: “truth . . . consists in speech’s matching not what we feel, but the nature of the things themselves being talked about”

¹⁶ OC 17.12: “CHRIST gave no rules for this purpose . . . The only thing left therefore is that the judges of such disputes be precisely those whom God had already instituted by nature, namely those appointed in each commonwealth by the sovereign . . . if a controversy arises about the accurate and proper meaning of words or terms in common use, i.e. about definitions . . . it will be the commonwealth’s responsibility to settle it.”

¹⁷ For a different view from that developed here, see LeBuffe’s Chapter 5.

¹⁸ Richard Hooker’s *Laws of Ecclesiastical Polity* had defined “right reason” in the same terms: it is the “light of Reason, whereby good may be known from evil, and which discovering the same rightly, is termed right” (as quoted in Greene 2015: 1025).

(AW 34.9). However, the answer to the general question turns out to be negative: definition-based science is well-nigh impossible in almost all branches of inquiry because, Hobbes has come to realize, the “definitional problem” afflicts the natural sciences as well as moral philosophy. There are different reasons for the problem in each branch, but settled definitions are unlikely in both.

[N]atural philosophers are concerned with terms very difficult, if not impossible, to define (e.g. damp, dry, hot, cold, rare, dense, opaque, transparent, liquid, and so on). In consequence, the uncertainty of [these] notions leads them to hold dogmas that contradict one another. Moral philosophers, on the other hand, although they are concerned with terms easy to explain and understand (such as ‘just,’ ‘unjust,’ ‘good,’ ‘bad,’ ‘honorable,’ ‘shameful,’ and the like) reject their own definitions because the conclusions [based on them] are, from time to time, disadvantageous [to the philosophers] as individuals, so they look for different, more convenient ones. (AW 23.1)

Only in geometry and mathematics, it seems, are settled definitions possible.¹⁹ The contestability of concepts in all other branches of philosophy makes geometry and mathematics unique and irrelevant to philosophy generally. In this way, concentrated attention to the definitional problem and the conceptual solution of “right reason” led Hobbes to realize that the ideal of axiomatic moral and political philosophy was a chimera (Greene 2015: 1015).

The “Elements of Philosophy” plan offered a way around the problem of contestability. In place of a frustrating search for settled definitions, it gives philosophy substantive foundations in empirical natural sciences. Hobbes’s use of an empirical assumption to resolve the definitional problem is nowhere better shown than in *On the Citizen’s* definition of natural law, where he gives psychological content to the concept of right reason. The passage opens with endorsement of the axiomatic method, followed by criticism of various erroneous definitions.²⁰ Then, associating natural law with “right reason,” the latter is identified with the desire for self-preservation: “The *Natural law* therefore (to define it) is the Dictate of right reason (*) about what should be done or not done for the longest

¹⁹ E.g., AW 23.1: “Over all other branches of philosophy one outstanding and special discipline, geometry, has always held sway, for . . . if by chance any contention has arisen, this has soon been quelled.”

²⁰ OC 2.1: “The method of starting with definitions and avoiding equivocation is of course the proper method for those who leave no opportunity for counter-argument.” The passage immediately continues by enumerating sources of error, including passion and self-interest, and kinds of error, such as the identification of natural law with the opinion of the “wisest” nations or with the “agreed” opinion of all humankind.

possible preservation of life and limb" (OC 2.1).²¹ The asterisk, added in the second edition, refers readers to an explanatory note that combines formal principle and moral-psychological content in a different (albeit ambiguous) way. "Right reason" is here identified as a formal principle that involves judging our duties towards others:

By right reason in men's natural state, I mean, not, as many do, an infallible Faculty, but the act of reasoning, that is, a man's own true Reasoning about actions of his which may conduce to his advantage or other men's loss. . . . [O]utside of a Commonwealth . . . each man's own reason must be regarded not only as the measure of his own actions, which are taken at his own risk, but also as the measure by which to judge the reasoning of others in his affairs. (OC 2.1, emphasis omitted)

The language is sufficiently confusing as to leave unclear whether Hobbes has in mind the norm of reciprocity (to wit, "use the standards that we apply to ourselves to judge others") or its opposite, egoism (i.e. "judge others' actions in terms of the effects on us"). But we are left hanging and Hobbes ends the discussion by referring the reader to the account of human nature in the state of nature laid out in the previous chapter: "The Principles of right Reasoning about such duties are those laid out in Chapter I, articles 2–7" (OC 2.1, emphasis omitted).

Philosophers have long debated the relatively formal versus substantive nature of Hobbes's account of natural law. John Deigh makes the case for regarding it as thoroughly formal: in his view, axiomatic geometry was always, and exclusively, Hobbes's model philosophy. Deigh's interpretation draws a sharp line between definitions, the foundation of formal science, and factual (material) premises and he expressly rejects the view that in *Leviathan* Hobbes meant to combine formal and material elements.

The definitivist interpretation takes seriously Hobbes's express understanding of ethics as a science and his conception of science as proceeding by deductive inferences from definitions. This understanding and conception secure the logical independence of his ethics from his moral psychology . . . His ethics is logically independent in that its theorems have no other ground than the definition on which it is based. (Deigh 1996: 59)

Deigh (1996: 35) acknowledges that it is an interpretation constructed out of passages from *Leviathan*, on the ground that the work is "the best statement of his philosophy." But *Leviathan* is *not* the best source in the corpus on the

²¹ Cf. EL 15.1, where a vaguer statement only hinted at the same content: the "precepts of NATURAL LAW" are "those which declare unto us the ways of peace, where the same may be obtained, and of defence where it may not."

application of geometry to moral philosophy: that subject, as we have seen, was a focus of critical analysis in the 1640s *On the Citizen* and *Anti-White*. Deigh therefore misses Hobbes's worry about the contestability of definitions and, in particular, assumes that he was content with a solution to the definitional problem about which he was actually skeptical. "As shorthand, let us say that Hobbes took a correct definition to be one that captured the customary meaning of the term being defined" (Deigh 1996: 57). Appeal to "customary meaning" supports Deigh's interpretation, common usage being a source of philosophical content different from, and independent of, material, psychological premises. But, as we have seen, Hobbes took the definitional problem much more seriously and rejected that easy solution. Recall his objection in the *Anti-White* to the idea of basing definitions on common usage: "the majority of names have been applied neither accurately nor [sic] in a constant and fixed sense" (AW 30.20).

More accurate to the position that Hobbes reached in the early 1640s is a formalist interpretation developed by S. A. Lloyd in *Morality in the Philosophy of Thomas Hobbes*. She uses the language of "indubitable introspectables" to refer to psychological premises known on the basis of introspection. "Hobbes," she writes, "may be able to achieve his goal" – of uncontested political conclusions – "by admitting into his argument those few nonanalytic premises that each man can assure himself of by direct introspection." Premises "that the reader will see as undoubtedly true in his or her own case" are necessary supplements in Hobbes's moral theory: "The definitional derivation of Hobbes's Laws of Nature . . . begins from the definition of man as a rational agent and aims to proceed analytically by unfolding the meanings of Hobbes's key concepts – reason, right, good, will, and power – supplemented by a couple of indubitable introspectables" (Lloyd 2009: 212, 248). In spirit, this description of Hobbesian natural jurisprudence captures the axiomatic-cum-psychological approach that emerged from combining the formalism of geometry with the substantive orientation of the "Elements of Philosophy."

Applying the "Elements of Philosophy" Plan: Politics and Religion

In transforming *The Elements of Law* into *On the Citizen*, Hobbes balanced deletion of the initial section on human nature with the addition of a new concluding section on religion. The new Part III collected and greatly expanded discussions that had appeared in several different sections of the earlier work. Given the importance of religious disputes in the civil war, it

is easy to understand why Hobbes would expand the political treatise in this direction. He had finished the *Elements* in the spring of 1640, just at the start of the period of escalating conflict between King and Parliament that the seating of the Short and Long Parliaments brought on. And at the end of the year, the conflict would lead him to go into exile. John Aubrey said that his flight was immediately provoked by worry about the fate of a prominent royalist divine: “bp. Manwaring (of St. David’s) preach’d *his doctrine*; for which, among others, he was sent prisoner to the Tower. Then thought Mr. Hobbes, ‘tis time now for me to shift for my selfe, and so withdrew into France, and resided at Paris” (Aubrey 1898: 334).

The revision involved more, though, than simply an addition of timely material. Hobbes gave the religious material a new political frame that was specifically appropriate for a volume designed to cover “the Commonwealth and the duties of citizens.” Religion is made into a sub-section of the first subject – the state. Comparison of the titles of chapters with parallel content in *On the Citizen* and the *Elements* telegraphs the new framing. As shown below, chapters on religious epistemology and ideology are incorporated and reorganized into a story of different kinds of states: God’s kingdom by nature; God’s kingdom under the old covenant; God’s kingdom under the new covenant; and the Kingdom of God in heaven. This shift from a definitional approach to a more substantive and more political lens is particularly marked in comparison of the titles of the chapter on natural religiosity in the two works: the *Elements*’ consideration of the “names” of supernatural things becomes in *On the Citizen* the stuff of the “kingdom of God by nature.”

Titles of Religion Chapters in *On the Citizen* and *The Elements of Law*²²

<i>On the Citizen</i> , Part III, “Religion”	<i>The Elements of Law</i>
Ch. xv. On the kingdom of God by nature (§1–13)	Ch. xi. What Imaginations and Passions Men have, at the Names of things Supernatural
Ch. xvi. On the kingdom of God by the old Agreement (§13–18)	Chapter xxvi. That Subjects are not Bound to Follow the Judgment of any Authorities in Controversies of Religion which is not Dependent on the Sovereign Power
Ch. xvii. On the kingdom of God by the new Agreement	Ch. xxv. That Subjects are Not Bound to Follow their Private Judgments in Controversies of Religion
Ch. xviii. On what is necessary for entry into the Kingdom of Heaven	

²² OC, “Index of chapters,” emphasis added; EL, “Chapters and Tables of Contents,” emphasis added.

As part of the reframing, the contents of the several chapters are redone to suit the new political outline. In the first chapter (15), Hobbes expands a few paragraphs in the *Elements* concerning knowledge of Scripture and the worship of God by inserting a lengthy section on the constitution of God's natural kingdom. Paragraph précis show that the section gives an account of the scope and basis of divine authority and divine law: "Over whom should God be said to rule?"; "The right by which God reigns lies in his Omnipotence"; "The obligation to give obedience to God arises from human weakness"; "The laws of God in the natural Kingdom are those enumerated in Chapters II and III above" (OC 15.2, 15.5, 15.7, 15.8, emphasis omitted). The next chapters turn to the history of religious authority as laid out in the Bible. Chapter 16, on God's government under the old covenant, transforms material used in the *Elements* to deny independent religious authority into a lengthy, detailed history of religious leadership in the Old Testament. Chapter 17 is devoted to showing that Christ did not establish a political kingdom on earth: "The Kingdom of God by the new agreement is a heavenly Kingdom, and begins on the day of judgement"; on earth, "A Christian Commonwealth is the same as a Christian Church" (OC 17.5, 17.21, emphasis omitted). Hobbes got only this far in reframing the religious material. The final chapter, 18, has an appropriate new title – "On what is necessary for entry into the Kingdom of Heaven" – but otherwise the chapter is largely unchanged from the *Elements* and treats the nature of Christian faith.²³

Down the line, when transforming *On the Citizen* into *Leviathan*, Hobbes would deploy the older and newer frames side-by-side, just as we have seen that he did in other instances. *Leviathan*'s religion chapters use both the political framing of *On the Citizen* and the geometrical discourse of "definition," "signification," and "word." The titles of Parts III and IV refer to government: a "Christian Common-wealth" versus the "Kingdome of Darknesse." Politically-framed chapters treat "the Principles of Christian Politiques," "the Rights of the Kingdome of God" in the Old Testament, the "Office" of Christ, and "Power Ecclesiastical" (L chapters 32, 40, 41, 42). Other chapters refer, along geometrical lines, to "signification": the "signification" in Scripture of "spirit," "angel," "inspiration," "eternal life," "hell," "salvation," "the world to come," "redemption," "church" (L chapters 34, 38, 39). Chapter 35, "Of the signification in

²³ The only significant change in the contents of the chapter is the inserted geometrical definition of science, in the context of comparison of faith and science, that was discussed previously.

Scripture of the Kingdome of God, of Holy, Sacred, and Sacrament” uses both frames.

In sum, we can see that the “Elements of Philosophy” project had a paradoxical effect. A project intended to produce a unified science, it mandated substantive inquiries into specified subject-matters. Although Hobbes would never abandon definitional logic, the project pushed him to move beyond formalism and to become more substantively oriented and, at the same time, it mandated narrowing his analytic focus to the specific subject-matter of government and citizenship. Thus, it prompted him to reflect directly on politics and incorporate political acumen into logical argumentation. (Recall, for example, that in *On the Citizen* it is a prudential observation – specifically, the widespread misapprehension that a parliamentary majority has authority to remove a sitting monarch – that underwrites the assertion of a direct tie between the sovereign and each subject.) He will have much more to say about real-world politics in *Leviathan*. The political focus called for by the “Elements of Philosophy” plan and evident in *On the Citizen*’s chapters on religion pushed him, it seems, to develop his thinking in that direction. *Leviathan* is a masterpiece of specifically *political* theory because it was preceded by the political volume in the “Elements of Philosophy” series.

CHAPTER 2

Hobbes and Aristotle on the Foundation of Political Science

Nicholas Gooding and Kinch Hoekstra

Thomas Hobbes boldly begins his first printed work of political philosophy, and his first foray into European letters, with a frontal assault on Aristotle. The opening of the first chapter is a self-portrait of the philosopher as a revolutionary: overthrowing the long-accepted approach to politics, he lays down the proper foundations of civil science for the first time. “Civil Philosophy,” Hobbes will thus write, is “no older than . . . the book *Of the Citizen* that I wrote myself,” immediately dismissing the “so called” civil philosophers among the ancient Greeks (DCo Ep. Ded.).¹ Even when the hyperbole and self-promotion has been seen as such, Hobbes is frequently credited with inaugurating a new epoch, launching modern political thought.

In particular, the Hobbesian revolution has been taken to consist in the rejection of Aristotle’s political naturalism and the natural law tradition built thereon: While Aristotle had maintained that political institutions were natural to human beings, Hobbes recognized that they were, on the contrary, artificial. When understood, however, to mean that Hobbes claimed and Aristotle denied that the commonwealth (or *polis*) is something we humans make in order to serve our own ends (e.g. Keyt 1991: 118), this view must be mistaken. Aristotle does sometimes contrast nature with artifice (e.g. *Phys.* II.1), but when he claims that the *polis* exists by nature, it is not this contrast that he has in mind (*contra* Keyt 1991: 119). He begins the *Politics* by suggesting that the political community “is established (*sunestēkuiān*)” by voluntary human action (*Pol.* I.1, 1252a1–3); and in the course of defending his thesis that the *polis* exists by nature, he praises “whoever first established (*sustēsas*)” a political

¹ Translations from Latin works (including the *De Cive*) are ours unless noted, though we have sometimes borrowed choices from Silverthorne’s OC. References to Aristotle’s texts are to the Greek editions in the Oxford Classical Texts. For Aristotle’s *Nicomachean Ethics* (NE), *Politics* (Pol.), and *Eudemian Ethics* (EE), we have generally followed the respective translations of Irwin, Reeve, and Inwood and Woolf, with some modifications.

community (*Pol.* I.2, 1253a29–31). The *polis* had to be constructed in order to satisfy certain natural needs and tendencies we have, and to fully perfect our nature, but it had to be constructed all the same.

Conversely, however much Hobbes insists that the commonwealth does not exist “by nature,” he does not deny that we have natural needs or desires that are best satisfied by establishing a political community – indeed, that is precisely his point. Moreover, he grants that “no one lives outside of Society” (DCv 1.2n); and he is happy to speak of the “natural commonwealth” (DCv 5.12). It seems then that Aristotle and Hobbes agree that we need to establish political communities in order to best satisfy our natural needs and our natural desires, and even that humans display a natural tendency to form such communities.

In light of this, careful scholars have concluded that Hobbes’s purported disagreement with Aristotle involves a basic misunderstanding or a careless or deliberate distortion; or (more charitably) that Hobbes’s real target was not Aristotle himself, but some scholastic or neo-Stoic permutation. We reject both of these conclusions. The contrast between the two thinkers on the concept of nature and its relevance to politics is less obvious (and correspondingly more interesting) than is often acknowledged – or than is suggested by Hobbes’s own sometimes exaggerated contrast between himself and Aristotle. But we will argue that Hobbes is nonetheless right to suggest that he is doing something radically new. If one considers his arguments in the opening pages of the body of *On the Citizen*, one can see that Hobbes’s break with the tradition emerged out of a systematic engagement with Aristotle’s own conception of (as Hobbes puts it) the “foundation” of “civil doctrine” (or civil science, *doctrina*). To better understand the nature of the break, we propose to focus in some detail on that opening salvo against a doctrine of natural politicality.

In saying that Hobbes targets Aristotle himself, we do not mean to deny that Hobbes may have been motivated by, say, how an influential interpreter such as Louis Le Roy had employed Aristotle’s theory, or how a contemporary like Hugo Grotius was deploying a version of the Stoic thesis that human beings have a natural desire for society. But he would have recognized that a forceful refutation of Aristotle’s own arguments could serve to show that the common foundation of such views was unsound.² As is well known, Hobbes was intent on attacking Aristotle’s

² We cannot here lay out the case that the Stoic or neo-Stoic theory derives from Aristotle’s theory, or that early modern thinkers believed that it did. See e.g. the indications in Winkel (2000). Regarding a possible later Aristotelian impetus for Hobbes’s argument, see n.12.

moral and political philosophy, which he regarded as still dominant and authoritative in his own day. Hobbes attacks the view that the human being is a political animal (*ζῶον πολιτικόν*), and that this can serve as the foundation of civil science; if this can plausibly read as an attack on Aristotle, there is little reason to deny that is what it is, especially since the other salient doctrines of natural sociability could reasonably be thought to fall with it.

The argument against natural sociability that will be our focus here, unlike other anti-Aristotelian arguments of Hobbes, is unique to *On the Citizen*, with no parallel in Hobbes's other works. We believe that this is due to another unique feature of *On the Citizen*. In order to promptly address the “questions of the right of Command (*Imperii*) and of the citizens' obligations of obedience” with which his country was “boiling” (DCv Pref. 19), Hobbes had to rush the work to completion before he had finished what were to be the preceding parts (*On Body* and *On Man*). This means that in *On the Citizen* he commences with the equivalent to *Leviathan*'s chapter 13, without being able to rely on his own theory of human psychology.

Hobbes “saw that [*On the Citizen*] did not need the preceding parts, since it rests on its own principles known by experience (*experiencia*)” (DCv Pref. 19). In particular, as we shall see, Hobbes thought he could establish the falsity of the Aristotelian “foundation” on which previous writers had sought to “build civil doctrine (*doctrina*)” via “deeper observation of the causes of the association of people and their delight in mutual society” (DCv 1.2). Hobbes's demonstration of the inadequacy of the Aristotelian foundation discloses what is required for a firm new foundation: Not mutual love or friendship, but mutual fear is the true “origin of large and lasting society” (DCv 1.2). It is perhaps because he thinks that he has at last set civil science on a sound foundation, while demonstrating the failure of Aristotle's foundation, that Hobbes came to feel that he had achieved something entirely new in *On the Citizen* (cf. VL 258).

Political Animals and the “Foundation of Civil Doctrine”

At the beginning of the first chapter of *On the Citizen*, Hobbes frames his project in terms of the Aristotelian view that we are naturally sociable creatures: “We shall first say what disposition people have . . . toward each other, and whether, and by what means (*facultas*), they are born fit for society (*apti nati sint ad societatem*)” (DCv 1.1). It does not take Hobbes long to settle the question:

Most of those who have written about Commonwealths [*Rebus publicis*] assume, or seek to show, or assert that the Human is an animal born fit [*aptum natum*] for Society – ζῶον πολιτικόν, say the Greeks. And on this foundation they build civil doctrine . . . This Axiom, although accepted by most, is nevertheless false. (DCv 1.2)

The phrase ζῶον πολιτικόν famously comes from Aristotle. Some scholars have argued, however, that it is not Aristotle himself that is Hobbes's target, but rather his "mindless imitators" (Evriegenis 2014: 101).

One reason for doubting that Hobbes has Aristotle himself in mind is that the argument of *On the Citizen* 1.2 does not appear to bear much on Aristotle's famous discussion of political animals and the natural origin of the *polis* in *Politics* I.2. Indeed, on Aristotle's central point in *Politics* I.2 – that a human being is not naturally self-sufficient and thus has a need for political community – Hobbes seems to be in essential agreement (Evriegenis 2014: 100–1, see also 23–59; cf. Rosler 2002). Hobbes's argument is instead directed at the idea that "the Human is an animal born fit for Society" because "the human naturally loves [his fellow] human" (DCv 1.2). But Aristotle's discussion of political animals in *Politics* I.2 hardly makes use of such a notion of natural sociability. Certainly, it does not appear there as a "foundation" or "Axiom" for the construction of civil philosophy.

This reasoning presupposes that, if Hobbes were targeting Aristotle's notion of the human being as ζῶον πολιτικόν, it must be Aristotle's use of that notion early in the *Politics*. This assumption has *prima facie* plausibility, especially as *Politics* I.2 has come to be seen as the *locus classicus* for the view that the human is a political animal. Would Hobbes not look to the beginning of the *Politics* for an account of Aristotle's own foundation for political philosophy, if that were what he was setting out to demolish?

Perhaps not. Aristotle thought of his *Ethics* and *Politics* as comprising a single science – which he called "the political science" – of which ethics was the prior and more fundamental part. Hobbes may have seen the matter similarly, Parts I (i.e. chapters 1–4) and II (chapters 5–14) of *On the Citizen* roughly corresponding to subject matter from Aristotle's *Ethics* and *Politics*, respectively.³ That Hobbes thought of the division of the topic in this way is supported by the fact that much of Part I is devoted to natural law (which he insists is the same as the moral law: DCv 3.31), and that he

³ Cf. the division into parts of *The Elements of Law, Natural and Politic*, implicit even in its title, and of the first two parts of *Leviathan* ("Of Man"; "Of Commonwealth").

criticizes Aristotelian ethical doctrines therein (e.g. DCv 3.32). It is not until the beginning of Part II that Hobbes comes to the question of the “causes and generation of a commonwealth” – that is, to the very topic of Aristotle’s *Politics* I.2. And there, particularly in *On the Citizen* 5.5, Hobbes considers some of the specific arguments that Aristotle presents in *Politics* I.2. Moreover, the fact that Hobbes’s target is the view that the human is a political animal does not by any means rule out his having Aristotle’s *Nicomachean Ethics* in his sights, for the idea plays an equally important role there, where it is more explicitly connected with a desire for society.⁴

Still, in *On the Citizen* 1.2, Hobbes attacks the position that the political community is based on mutual love or *amor* – and that position can seem so fanciful that one might understandably doubt whether *any* philosopher held it, much less Aristotle. However, we suggest that Hobbes is here using *amor* as a translation of what Aristotle calls *philia*. Some five years earlier, Hobbes had already used “love” to translate Aristotle’s *philia*. In his digest of Aristotle’s *Rhetoric*, Hobbes titles Aristotle’s chapter about *philia* as being “Of Love, and Friends,” and consistently uses “to love” to translate *philein* (the verb cognate with *philia*) ([Hobbes] 1637: 76).⁵

And it is in his discussion of *philia* (NE VIII-IX) that Aristotle’s commitment to the kind of natural sociability that Hobbes has in his sights comes out most clearly. “Human beings most of all have a natural love (*philia*) for each other,” Aristotle writes, and “in our travels, we can see how every human being is akin (*oikeion*) and beloved (*philon*) to every human being” (NE VIII.1, 1155a19–22; cf. NE VIII.11, 1161b5–8). In a culminating discussion of *philia*, Aristotle says that it would be “absurd” to think that a flourishing (*eudaimōn*) human life could be a solitary one; “no one would choose to be alone, even if he had all other goods, *since the human being is a political animal* and naturally shares life [with others]” (NE IX.9, 1169b16–23). If we consider Aristotle’s ethical works in general, and the discussion of *philia* in particular, it is clear why Hobbes would associate Aristotle’s claim that we are political animals with the view that we have a natural love or affection for others and a natural desire for society.

⁴ See NE I.7, 1097b9–12 and NE IX.9, 1169b16–23. Although less prominent, the connection can also be found in the *Politics* at Pol. III.6, 1278b19–21.

⁵ Hobbes is here translating from the beginning of Aristotle’s *Rhetoric* II.2, following Goulston’s translation of this chapter as *De amore & amicitia* (Goulston 1619: 96). We take *A Briefe*, first published anonymously around 1637, to be by Hobbes, making him the first to publish an English rendition of the *Rhetoric*.

Hobbes doesn't only take aim at the idea of natural sociability; he particularly criticizes the view that it could function as an "Axiom" or "foundation" for political philosophy or science. Is natural *philia* a foundation of Aristotle's political science? Although it has not been emphasized by recent scholars, Aristotle does imply that *philia* plays a foundational role in the *polis*, saying that "it seems that friendship (*philia*) holds cities together," and that legislators aim at promoting friendship and concord even more than justice, since they are opposed to "civil conflict (*stasis*)" (*NE* VIII.1, 1155a22–8).⁶ In the *Eudemian Ethics*, he goes even further, saying that "the task of political [science] seems, above all, to be creating friendship [among citizens]" (*EE* VII.1, 1234b22–3). This idea also features in the *Politics*. In the course of criticizing Plato's *Republic*, Aristotle says that "we regard friendship (*philia*) as the greatest of goods for city-states, since in this condition people are least likely to factionalize (*stasiázōien*)" (*Pol.* II.4, 1262b7–9). More significantly, the idea that *philia* is characteristic of the political community is crucial to Aristotle's argument that the *polis* has as its end living well, and does not exist merely in order to procure the means for survival (*Pol.* III.9, 1280b38–40). And in the course of arguing that in a genuine city-state the citizens must not be ruled as slaves, Aristotle explains that such rule would be inconsistent with the kind of friendship which is required for there to be a political community (*Pol.* IV.11, 1295b21–4).⁷

Understanding how *philia* plays a foundational role in Aristotle's political thought sheds light on one of the more perplexing features of Hobbes's discussion in *On the Citizen* 1.2. Hobbes associates the view that humans are political animals with a particular conception of law:

... ζῶον πολιτικόν, say the Greeks. And on this foundation they build civil doctrine, as if to preserve peace and the government of the whole human race nothing else were necessary than for people to consent (*consentirent*) to certain agreements (*pacta*) and terms, which they straight-away call laws. This Axiom, though accepted by most, is nevertheless false. (DCv 1.2)

Why should Hobbes attribute to those who think of humans as "born fit for society" not only a view that people naturally love their fellow human

⁶ These views are not merely the *endoxa*; Aristotle ends up endorsing them: see e.g. *NE* IX.6. On friendship and justice, see further *NE* VIII.9, *NE* VIII.11, and *EE* VII.10, 1242a19–22. One work that does discuss the politically foundational role of *philia* is Cooper (1990).

⁷ Rejecting the requirement of political friendship, Hobbes also rejects the distinction between rule over slaves and political rule. See Chapter 7 by Daniel Lee.

beings, but also a view of law according to which laws are nothing but “certain agreements”?

One reason is that his target in each case is Aristotle. For he later says that Aristotle *defines* law as an agreement or *homologia*:

They confuse *law* with *agreement* (*pacto*) who suppose that laws are nothing other than ὁμολογήματα or agreed principles for living determined by the common consent (*communi consensu*) of human beings. Among them is Aristotle, who defines *law* in this way: Νόμος ἐστι λόγος ὠρισμένος καθ' ὁμολογίαν κοινὴν πόλεως, μηνύων πᾶς δεῖ πράττειν ἔκαστα. That is, *law is speech defined by the common consent of the commonwealth, making known how each ought to act . . .* By commonwealth, he thus understood a multitude of people making known principles for living by common consent . . . But these are nothing other than mutual agreements, which do not obligate anyone, nor are they therefore laws, until a sovereign is established who can compel, and one has a guarantee against the others who would not otherwise observe them. (DCv 14.2)

Although the quotation itself is not to be found in the extant works now attributed to Aristotle, we will argue that Hobbes is nonetheless right to see “agreement” (*homologia, homologēma*) as central to the Aristotelian conception of law.⁸

In his *Rhetoric*, Aristotle explicitly identifies “general law” with “all those unwritten [principles] which seem to be agreed upon (*homologeisthai*) by everyone” (*Rhet.* I.10, 1368b7–9).⁹ In Book I of the *Politics*, he invokes the idea that “the law is a sort of agreement (*homologia*)” when assessing the general law that those conquered in war belong to their conquerors (*Pol.* I.6, 1255a5–6). Moreover, we can understand why Hobbes characterizes Aristotle as speaking of law as agreement “as if . . . nothing else were necessary” – in particular, as if threats of punishment were not necessary for the existence of law – for it is not unusual for Aristotle to discuss law in terms of reason, justice, or agreement without mentioning its coercive function.¹⁰

So, Aristotle does present law as a kind of *homologia*, as Hobbes says. And careful consideration reveals not only that Hobbes is right to connect the positions that law is *homologia* and that it is by nature that humans love one another and form societies, as having a common source; but also that

⁸ Athenaeus attributes this definition of law to Aristotle (*Learned Banqueters*, 508a), and it is also found in the prefatory letter to the *Rhetoric to Alexander* that is written as if from Aristotle (1420a26–8).

⁹ Cf. *Rhet.* I.13, 1373b4–6. In his translation of Aristotle’s *Rhetoric*, Hobbes simply drops this line.

¹⁰ An exception is *NE* X.9, 1180a15–21.

he is right to discern Aristotle's own connection of political *philia*, agreement, and law.

In the *Nicomachean Ethics*, Aristotle holds that the *philia* between citizens within the political community is bound by agreement, *homologia* (*NE* VIII.12, 1161b11–15). In the *Eudemian Ethics*, he says that *philia* is political and legal (*politikē kai nomikē*) when it is based on *homologia* (*EE* VII.10, 1242b35–6). And in both works he identifies political friendship (*politikē philia*) with the related notion of *homonoia*, i.e. agreement or concord (see esp. *NE* IX.6, 1167b2–3 and *EE* VII.7, 1241a31–34).

Such *homonoia* is not merely an ideal for a *polis* to aspire to; a certain degree of it is necessary, in Aristotle's view, for there to be a constitution and therefore a city-state at all. To see why, consider that the city-state is, Aristotle tells us, a unity comprised of members that "differ in kind," and "that's why reciprocal equality preserves city-states, as we said earlier in the *Ethics*, since this must exist even among people who are free and equal" (*Pol.* II.2, 1261a29–32; cf. *NE* V.5, 1132b31–4). Aristotle tells us that, in political friendship, a special type of utility friendship, "proportion (*analogon*) equalizes and preserves the friendship," by ensuring that each receives a fair recompense for their contribution (*NE* IX.1, 1163b32–5; cf. *EE* VII.10, 1242a7). His idea seems to be that the political friendship that holds the *polis* together is a mutually beneficial relationship governed by the norms of reciprocal equality. Reciprocally equal exchange requires a kind of *homonoia* as a condition of its possibility because only against the background of a basic agreement about the respect in which people are said to be "equal" or "unequal" will citizens be able to voluntarily enter into reciprocally equalized relations. *Homonoia* and political friendship involve a shared understanding of the common good, and can be thought of as the foundation for all particular constitutions and their particular laws.¹¹

In sum: What has made *On the Citizen* 1.2 intractable has been the obscurity of the connection between, and therefore the purpose of Hobbes's assault on, three apparently disparate positions: (1) the claim that human beings are political animals, (2) the idea that human communities are held together by a natural love for one another, and (3) a conception of law as based on agreement or concord. Our contention so far has been that it is Aristotle who makes and connects these three claims, and there is therefore nothing that should prevent us from thinking that

¹¹ The role of such agreement comes out especially clearly when the parties have a shared misconception of equality. Cf. *Pol.* III.9, III.12.

Hobbes intends to attack Aristotle.¹² This will in turn give us a better understanding of the substance of the attack, and of Hobbes's rival foundation of political science.

The Attack on Political Friendship

If we do grant that Hobbes's target in *On the Citizen* 1.2 is the notion of a *philia politikē* that makes a *polis* possible, much falls into place. Near the end, Hobbes draws the conclusion that, "All society, therefore, . . . is entered into for love of self, not of friends (*sociorum*)" (DCv 1.2); and the section as a whole appears to be structured as a systematic treatment of Aristotle's kinds of *philia*, arguing that none of them could generate a genuinely political community.

Hobbes begins his discussion by considering the general cause of association, arguing that one human being does not love another "as a human being," since "what is sought in every society is . . . something that seems good to oneself." Here, Hobbes is picking up on an Aristotelian commitment ("each [of us] loves . . . what appears good for him" [NE VIII.2, 1155b25–6]), as if in order to undermine Aristotle's position from within. Hobbes argues that "if the human being loved [each other] human being, loved him, that is, just as a human being, no reason can be given . . . why everyone would rather seek the company of people whose society is more prestigious or useful to him than others" (DCv 1.2) – an argument apparently directed at Aristotle's claim that "every human being is akin and beloved to every human being" (NE VIII.1, 1155a21–2).

Aristotle famously distinguishes three kinds of *philia* or friendship: friendship among those who are useful to one another; friendship among those who are pleasant to one another; and friendship among those who are good in themselves, or virtuous. Hobbes proceeds through each of the Aristotelian varieties of friendship, arguing in each case that such friends neither exhibit good will to one another "for their own sake" nor want to associate with one another as such, but merely want to gain something *else*

¹² Later thinkers may well have discussed, endorsed, or even combined these three Aristotelian positions. For instance, Louis Le Roy puts them together in his influential translation of and commentary on the *Politics* (Aristotle 1598: fol. Bii^r-Biii^r and pp. 1–2), which Hobbes had in his library (Chatsworth MS E.1.A, p. 58). And Jean Bodin, in a work that Hobbes had admiringly cited in EL, suggests that "friendship is the entire foundation of all society," immediately going on to cite Aristotle's *Politics* (Bodin 1576: III.7, 383). Our argument is that, while he may well have had later writers in mind, Hobbes would still have been going after what he took to be Aristotle's own views in attacking them.

from associating. He begins with a kind of friendship closely corresponding to Aristotle's category of friendship for the sake of utility: "Why people gather together may be determined from what they who are gathered do. If they meet on account of business, each one seeks not his associates' advantage but his own" (DCv 1.2). Hobbes takes it as obvious that, in such relationships, we do not love our "friend" in himself or enjoy spending time with him for its own sake, and that they cannot be the grounds of a stable society – as indeed does Aristotle, who says of "those who are friends because they are useful" that their friendship "dissolves as soon as the utility does; for they were not friends of one another, but of the advantageous" (NE VIII.4, 1157a14–16).

But Aristotle had argued that there is a special type of utility friendship that, as we have seen, he called "political friendship" – the friendship that holds cities together, which is the greatest blessing for a city, and which legislators aim at even more than justice; and it is interesting to consider how Hobbes proceeds in light of this. Immediately after treating relationships for the sake of utility, Hobbes says: "If the cause [of association] is public service (*officium*), then a kind of political friendship (*forensis quaedam amicitia*) develops, comprising more mutual fear than love (*amor*), from which faction (*factio*) is sometimes born, but never goodwill (*benevolentia*)."¹ Hobbes is acknowledging that people can develop a "kind of friendship" for broadly political reasons: They might seek an alliance with one another out of fear of a mutual enemy, for example, or each in the hope of pacifying the other.

There are two points worth registering here. First, Hobbes is suggesting that this *forensis quaedam amicitia* could never lead to goodwill. It is, after all, a kind of utility friendship – and, as we have seen, in utility friendship, the "friends" are really after their own advantage, not that of their friend. Given that friendship by definition requires the friends to wish goods to one another for the other's own sake (NE VIII.2, 1155b31; cf. *Rhet.* II.4, 1380b36–1381a1), it's reasonable for Hobbes to insist that political friends do not seem to be friends at all. No work seems to be done by the purported friendship of the parties; "we seek these [honor and advantage] in the first place, and those [friends or associates] secondarily" (DCv 1.2).

Second, it was *amicitia politica* or *civilis*, not *forensis*, that were the more common translations of Aristotle's *philia politikē*. Rather than doubting Silverthorne's translation of *forensis* as "political," however, we would suggest that Hobbes is offering a polemical re-translation. *Forensis*, here, might imply a kind of market exchange, and possibly insincerity or duplicity (cf. e.g. Cicero to Atticus I.8), in a way that *politica* or *civilis*

would not. All of this adds up to a vigorous objection to Aristotle's suggestion that political friendship helps "expel faction (*stasis*)" from the city (*NE* VIII.1, 1155a25–6). Quite the opposite, Hobbes argues: from friendships or associations entered into for public or political purposes, "sometimes faction is born, but never goodwill."¹³

Hobbes spends the bulk of his time in *On the Citizen* 1.2 considering those associations in which people "meet for amusement or fun," a category corresponding to Aristotle's friendships for the sake of pleasure. Perhaps he devotes so much time to this category because such associations seem to have the strongest claim to stem from our love of others and our enjoyment of their company simply for its own sake. In response, Hobbes is gleefully cynical in his account of the "true delights" of society: "everyone usually takes the most pleasure in those things that provoke laughter, from which (such is the nature of the laughable) he may depart thinking better of himself by comparison with another's disgrace or infirmity" (DCv 1.2). Hobbes is not denying that people enjoy associating, but is arguing that such enjoyment is derivative: "they are delighted first and foremost not by society but by their own glory" (DCv 1.2). That is, what the associates are really interested in (what they find useful or pleasant) is something else that they get out of the association, and not the association itself.

Hobbes turns, finally, to associations of "those who profess to know more than others," the Philosophers. It might seem that Aristotle's category of friendship that is based on virtue is missing from Hobbes's treatment. More likely, however, Hobbes means this as a bitingly reductive picture of supposedly virtue-based friendship. For Aristotle himself connects virtue friendship with friendship among philosophers (*NE* IX.1, 1164a32–b10; *NE* IX.12, 1171b36–1172a14). And it is typical of Hobbes to debunk Aristotle's claims in moral and political philosophy as, in effect, a product of the philosopher's inflated sense of superiority over others (e.g. L 15.21: 234–5). Hobbes finds this vainglory at work in the gatherings of these philosophers, where "all want to be regarded as Masters; otherwise,

¹³ Understanding the gist of Hobbes's argument as suggested can help to make sense of what might otherwise be a perplexing feature of the discussion as a whole. After denying that such *amicitia forensis*, "comprising more mutual fear than love," could be the grounds of political community, Hobbes goes on to conclude by saying "... the origin of large and lasting society arises not from people's mutual goodwill but mutual fear" (DCv 1.2). Hobbes's point therefore is not that it is a problem with *amicitia forensis* that it is based in fear *per se*. But it is misleading to characterize it as a form of *amicitia*, since *benevolentia* plays no part in it; and potentially dangerous too, if it suggests that our mutual fear does not need to be channeled by the artifice of sovereignty in order to make politics possible.

not only do these comrades, like the others, not mutually love one another, but they pursue hatred" (DCv 1.2). Thus, the friendships of philosophers are not ultimately different from associations among the rest of us, for they, too, are based on the pleasures of having "reputation and honor among companions (*socios*)."⁹ The only difference lies in the particular domain in which they are looking for glory (they want to be thought wise, and not, say, witty), or whose respect they are seeking (other philosophers, rather than the rest of us).

In effect, Hobbes has reduced Aristotle's three causes of friendship to two, glory and advantage. He offers an argument for this reduction only later in the section. Interestingly, Hobbes begins that argument with a point of agreement with Aristotle. "For since a society is a voluntary assembly, what is sought in every society is an Object of will, that is, that which appears to each of the members to be Good for himself" (DCv 1.2). This closely parallels the opening words of Aristotle's *Politics*: "We see that every city-state is a community of some sort, and that every community is established (*sunestēkuian*) for the sake of some good (for everyone performs every action for the sake of what he takes to be good)" (I.1, 1252a1–2) – where Aristotle chooses a perfect participle (*sunestēkuian*) that bears the meaning of coming together or associating as friends (LSJ⁹, s.v. συνίστημι, A.IV). In Aristotle's account of the nature of friendship, too, he suggests that friendship is based on what each of the friends takes to be "good for himself" (NE VIII.2, 1155b18–26), the three ways in which one may take another person to be good explaining why there are three types of friendship.

Although Hobbes agrees with Aristotle that the cause of love lies in the agent's seeing the other as good, Hobbes identifies the apparent good with pleasure – not in the sense that whatever we think good pleases us (an idea that Aristotle endorses, at least for virtuous agents), but in that whatever pleases us, we think of as good. As we have already seen, Hobbes also believes that, in every association, we take pleasure in something distinct from the association itself. One might think that Hobbes would therefore reduce the causes of love to *one*, not two. Instead, Hobbes offers a new account of the difference between associations for the sake of advantage and those for the sake of entertainment, in the distinction between pleasures of the body (advantage or utility) and pleasures of the mind (all of which ultimately relate to glory). Since all society is entered into for the sake of pleasure, and pleasures are either of body or mind, Hobbes concludes: "All society therefore is entered into either on account of advantage or glory, that is, for love of self, not of friends."

Reducing the causes of love to these two would allow Hobbes to establish what he set out to prove, that humans do not love one another “by nature,” but “incidentally (*ex accidente*).” After all, Aristotle himself grants that “Those who love because of utility . . . and those who love because of pleasure . . . are fond [of their friend] . . . not insofar as the beloved is who he is, but insofar as he is useful or pleasant. Hence these friendships are also incidental (*kata sumbebēkos*)” (*NE* VIII.3, 1156a14–17).¹⁴

Hobbes concludes *On the Citizen* 1.2 by arguing that, on their own, neither of these motivations can provide the foundation of any “large and lasting society.” The desire for glory cannot, for “glorying, like honor, if it belongs to everyone, belongs to no one, since it consists in comparison and preeminence.” If we associate merely on the basis of a desire for glory, our “society” would tend toward a constant struggle for recognized superiority. More surprisingly, Hobbes argues that neither can the desire for “advantage” serve as the foundation for a stable society. “Although the advantages of this life can be increased by mutual aid, this may be done much more so by the Dominion than by the society of others.” Again, a “society” for advantage would devolve into people constantly vying for dominance. Thus, our natural desire for our own advantage cannot, on its own, motivate us to establish a genuine political community; that natural desire must be channeled through the artifice of sovereignty – through the construction of an entity with sufficient strength to maintain stability and concord by instilling reliable fear.

On Being Born Fit for Society

We have attempted to show that Hobbes’s arguments are directed against genuinely Aristotelian views about the foundation of politics. Still, it might seem that the success of Hobbes’s refutation depends upon presenting those views in a crude or simplistic way.

It might even seem that Hobbes builds a caricature of Aristotle’s position into his gloss of ζῶον πολιτικόν as *aptum natum ad societatem* (“born fit for society”). Of course, Aristotle never intended to suggest that humans are born already able to take part in civil society, only that we are born with a nature that suits us for such a life.

It is worth noting, however, that understanding ζῶον πολιτικόν as *aptum natum ad societatem* was traditional, not a Hobbesian innovation

¹⁴ Note that *kata sumbebēkos* was traditionally rendered in Latin as *per accidens* or *ex accidente*.

for the purpose of some snide *reductio ad absurdum*. So Robert Grosseteste had translated Aristotle's πολιτικὸν γάρ οἱ ἄνθρωποι καὶ συζῆν πεφυκός ("for man is a political [animal] and is naturally disposed to live with others" [NE IX.9, 1169b18–19]) as *politicum enim homo et convivere aptus natus*, and Aquinas offers this paraphrase of it: *quia homo naturaliter est animal politicum et aptus natus convivere aliis* ("man is naturally a political animal and born fit to live with others") (Aquinas 1969: 2:534, 2:536a). Aquinas does not mean that we are born already able to live with others in society. In fact, *aptus natus* exhibits a similar ambiguity to the Greek πεφυκός that Grosseteste here translates and Aquinas paraphrases: πεφυκός can simply mean "born," but it can also mean "naturally disposed." So, too, *aptus natus* could be taken in the sense of "naturally disposed, inclined" (i.e., having an innate tendency to *become* able), rather than as referring to being born with an already developed capacity. Samuel Sorbière, who oversaw the publication of the second and third editions of *On the Citizen* in 1647, having been entrusted by Hobbes with the copy of the 1642 edition in which he had written his further annotations, thus translated the line in 1649: "né avec une certaine disposition naturelle à la société" (Hobbes 1649: 2). Similarly, when *Philosophicall Rudiments*, the 1651 English translation of *De Cive*, has "born fit" for *aptus natus*, a reader at the time would likely take "fit" in the now antiquated sense of "apte, . . . inclined, disposed" (thus the entry for "fitte" in Baret 1574), rather than meaning (already) able.

It appears, therefore, that Hobbes's ultimate aim is to establish that we are not disposed by nature for civil society, not merely that we are not born already able to enter it. So it is that Hobbes declares in the Preface to *On the Citizen* that he proceeds as he does in order "to understand correctly what human nature is like, and on what grounds it is fit or unfit (*apta vel inepta*) for joining together in a commonwealth, and how people who want to unite must be brought together" (DCv Pref. 9).

Thus far, we may be satisfied that Hobbes's aim is not to take down a crude distortion of Aristotle's position. Yet it might look like his argument in the 1647 note to *aptum natum* could only succeed against a distorted and silly view.

It is therefore evident that all people (since they are born infants [*cum sint nati infantes*]) are born unfit for society (*ad societatem ineptos natos esse*); and very many . . . remain unfit throughout life . . . Yet infants as well as adults have a human nature. Therefore, a human being is made fit (*aptus . . . factus*) for Society not by nature, but by education (*disciplina*). (DCv 1.2n)

It is reasonable to worry that this argument is beside the point, because it ignores Aristotle's teleological conception of human nature. On Aristotle's view, "nature is an end; for we say that each thing's nature is the character it has when its coming-into-being is complete [or perfected, *telestheisēs*]" (*Pol* I.2, 1252b32–4). Nature in this sense is something that needs to be realized or achieved, and in human beings this happens in part, as Hobbes puts it, "by education." This means there need be no tension between our being political creatures "by nature" and our needing training and education to become incorporated into a political community (cf. especially *Pol.* I.2, 1253a31–3). In saying that we are naturally political, Aristotle is hardly committed to thinking that human beings are born able to live peaceably in society. Rather, we are born with the (capacity in other words, born with what Aristotle calls a "first potentiality" to acquire this ability) by means of "habituation" (*ethismos*). Hobbes might appear to overlook this basic point.

Admittedly, Hobbes does not do justice to the subtleties of Aristotle's position. But his somewhat glib argument does raise genuine difficulties for the Aristotelian appeal to nature. In saying that we are naturally political and naturally desire society, Aristotle is committed to claiming *something* about an innate tendency or impulse, which explains why human beings do everywhere live in communities and why human infants are capable of being brought up to live in communities. The idea that we are "political by nature" will have explained little, however, if it amounts to the position that we have a nature such that we can be educated or trained to live politically. Nor would it be satisfying to claim that we have in us whatever desire or tendency would lead us to come together in political communities; that would leave Aristotle open, in a rather extreme way, to the classic early-modern objection that appeals to natural teleology are vacuous.

The crudest solution would be to posit, as part of human nature, a determinate desire for civil society as such. But Hobbes's first argument in the note – which is meant to establish that, although "people are driven by nature to seek one another's company (*congressum*)," we are nonetheless *not* "born fit for society" because we are not "born in a condition to desire [civil] society" – does successfully bring out the absurdity of attributing such a desire to human beings from birth. Infants may be "driven by nature" to desire the company of others, but they cannot be said to have a desire for civil society as such. For Hobbes, "civil societies are not mere assemblies (*concessus*), but Alliances (*Foedera*), for which the making of promises and covenants is necessary. Infants and the

uninstructed are ignorant of their Force, and those who are unacquainted with the harms without Society are ignorant of their utility.” To be “born in a condition to desire society,” Hobbes appears to assume, one must know both what civil society is and what good it does. Infants and ignorant adults lack the knowledge of one or both of these requisites. Infants (and, if we believe Hobbes, many adults) simply lack the conceptual resources to be plausibly attributed such a desire. But, since infants and ignorant adults, as much as mature, disciplined adults, “do have a human nature,” Hobbes concludes, we are “made fit for society not by nature, but by training.”

In the face of this, it might be tempting for an Aristotelian to fall back on the postulation of a more inchoate desire – one which does not involve a determinate conception of its object, but which will, in fact, be best satisfied by civil society. We desire society, in this sense, insofar as we desire our natural end, happiness (*eudaimonia*), and our happiness requires incorporation into a political community. Desiring society as part of our natural end does not mean that we are born with a clear conception of what it consists in.

But, in a second, shorter argument, Hobbes brings out why this too is unsatisfying:

Moreover, even if people were born in a condition to desire society, it does not follow that they were born suited to enter it. It is one thing to want, another to be able. For even those who from pride do not deign to accept the equal conditions without which there can be no society, nevertheless want it. (DCv 1.2n)

Aristotle’s view that humans are naturally political is supposed to provide a “foundation” for “civil doctrine” – to identify an explanatory principle that can help us understand how political communities are formed and sustained. Hobbes’s point here is that, if there is a sense in which it is plausible to attribute to human beings an innate *desire* for society, it still cannot play this foundational explanatory role, for it would not explain how we are *able* to so come together.

What is at stake is not only how societies form and what kinds of education human beings are capable of. The fact that, for Aristotle, living as part of a political community is part of our natural end is supposed to show us something about what kind of life is best for us. This means that there is a further difficulty that Aristotle faces, stemming from the fact that the natural human end is brought about in part by a deliberate process of education or training. Though not made explicit by Hobbes, this difficulty

might plausibly be thought to lie in the background of Hobbes's focus on the fact that humans are made fit "by education" – the very claim that made Hobbes's argument look beside the point.

One reason Aristotle maintains that we have a natural desire for political society is that we desire our natural end (i.e. happiness) and part of our natural end is to live in political society. In Aristotelian natural philosophy, one can generally determine the natural end of an organic process by examining how that process tends to conclude. But it is not so straightforward for human ends. Being rational creatures, human beings pursue their end by conceiving of it in a certain way – as pleasure or honor, or, much more rarely, as contemplation (cf. *NE* I.5, I.8) – one's conception of *eudaimonia* being in part a product of one's education or habituation. Correspondingly, some constitutions are oriented around an identification of merit with wealth, others with freedom, a few with virtue (cf. *Pol.* IV.1–10). This means that one cannot simply look at how human beings or societies generally develop to determine, in any fine-grained way, the natural end of human beings and human societies.

To determine the true human end, for Aristotle, one needs to consider, not just any human beings, but those who have been educated properly; it is *their* desires that are "in accordance with nature." But how are we to determine what counts as a proper education? We cannot without a conception of what people ought to be educated *for*. There is a threat of circularity in the Aristotelian appeal to "nature" in moral and political philosophy: Sorting what is "natural" for human beings is supposed to help us settle what kind of life human beings ought to pursue, but it turns out that a conception of what kinds of thing we ought to pursue must go into determining what counts as "natural" in the relevant sense. But then the appeal to "nature" is of no help at all if we are interested in figuring out how humans ought to be shaped in order to be decent members of a civil society, or indeed if we are interested in understanding what an ideal civil society is. If Aristotle claims that our natural end involves living with others in a political community, and therefore that is the kind of life we should pursue, it might appear that he has offered no argument but simply a restatement of the premise.¹⁵

¹⁵ Aristotle might argue that the circularity here is not vicious, perhaps because his explanatory goals are rather different from Hobbes's. Aristotle says, after all, that only someone who has been properly brought up is an appropriate student of moral philosophy; there is no way to *argue* someone into caring about "the fine" from more basic principles.

Political Animals Revisited

Hobbes returns to the topic of political animals in *On the Citizen* 5.5, now identifying Aristotle by name. “Among the animals which Aristotle calls Political, he counts not only the *Human Being*, but many others too, as the *Ant*, the *Bee*, etc.” This appears to be an allusion to *Politics* I.2, for there, in the course of defending the thesis that the *polis* comes about by nature, Aristotle implies that “the bee” and certain other “gregarious animals” also count as “political” (*Pol.* I.2, 1253a7–9). It is unsurprising that Hobbes should here turn to *Politics* I.2, for it is in chapter 5 that he turns to consider the “causes and generation of the commonwealth.”

What may be surprising is that Hobbes does not here contest Aristotle’s idea that humans are political animals. Instead, he attacks the idea that any *other* animal is political: “for their government (*regimen*) is only a *consensio*, or many wills with one object,¹⁶ not (as a commonwealth needs) one will.” More surprising still is how closely Hobbes’s discussion tracks Aristotle’s in *Politics* I.2. Hobbes’s reasons for thinking that human beings (unlike other gregarious animals) need something more than “concord of feelings” in order to sustain peace mirror Aristotle’s reasons for claiming that human beings are “more political than the bee or any other gregarious animal.”

Aristotle proffers two facts about human beings that make them especially political. First, humans possess *logos* – trading here on two central meanings of *logos*, as language and as the capacity to reason – which is “for making clear what is beneficial or harmful, and hence what is just or unjust.” Other animals, however, only possess “voice (*phone*) [which] is a signifier of the painful and pleasant” (*Pol.* I.2, 1253a9–15). By comparison, Hobbes says that, while non-human “animals may be able to use their voices to signify their feelings” (which could almost be a translation of Aristotle), only human beings possess “the art of words that is needed to arouse the passions” – thus picking up on the sense of *logos* as shared human language. Hobbes also says that, unlike other animals, humans possess “reason,” and that this enables them to reflect on whether the

¹⁶ In *The History of Animals* (488a7–9), Aristotle defines genuinely political animals as a subspecies of “gregarious” animals by saying that “Political [animals] are those that have as their characteristic activity [*ergon*] some single thing that they all do together, and not all gregarious animals do that.” Hobbes’s characterization is thus not untrue to Aristotle’s official account. (He rides a bit roughshod over the distinction between political and gregarious animals, but, then again, so does Aristotle himself in the *Politics*.) Perhaps Hobbes was even familiar with this passage, as Aubrey says of Hobbes that “I have heard him say that Aristotle was the worst teacher that ever was, the worst polititian and ethick . . . : but his rhetorique and discourse of animals was rare” (Aubrey 1898: vol. 1: 357). It is unclear which of Aristotle’s “discourses of animals” Hobbes had in mind.

common affairs are being managed well – thus picking up on Aristotle's claim that human beings possess *logos* in the sense of the capacity to reason about "what is beneficial or harmful, and hence what is just or unjust." Of course, Hobbes picks up on these Aristotelian themes in order to invert them: he is stressing not the ways in which language and reason make shared deliberation possible, but the ways in which they dispose us to conflict.

Second, Aristotle says that human beings possess "perception" (*aisthēsis*) of what is good, and what is just and unjust, while other animals only perceive what is pleasant or painful (*Pol.* I.2, 1253a15–18). While Hobbes characterizes other animals as pursuing their own good, he says that only human beings can distinguish being wronged from being materially harmed, and distinguish their private good from the public good. Again, Hobbes's point is that these capacities cause discord, but it is striking how he focuses on the very capacities that Aristotle believes make the human being more political than other creatures. Even Hobbes's first cause of discord – that, in contrast with animals, "among human beings there is a competition for honor and dignity" – is closely related to the fact that human beings possess "perception" of their good.

But there is reason to wonder whether these differences amount to more than a difference of emphasis. Although he stresses the ways in which they make possible more elevated forms of communal life, Aristotle does not think of these distinctly human capacities as unmitigated blessings. The capacities for practical reason (*phronēsis*) and virtue are "especially prone to being used as . . . weapons" in the service of "injustice" (which happens above all when an individual is "separated from law and justice") (*Pol.* I.2, 1253a31–5). Conversely, for Hobbes, reason, language, and perception of the good are not *only* liabilities. For example, the law of nature, which is equivalent to the moral law, is the dictate of right reason (DCv 2.1, 3.31). It is a dictate of reason, in particular, that we enter into a covenant establishing a sovereign authority, since doing so is necessary for peace; and it is only as rational, language-using creatures that we can make covenants at all (DCv 2.12). As such, the possession of reason is also what makes it possible for us to submit to a sovereign authority and establish political institutions.

Thus, we might say, Hobbes and Aristotle *agree* that human politicality derives from distinctive capacities like reason, language, and the ways in which human beings conceive of their own good. They agree that such capacities make human politics possible, but also that their possession opens us up to dangers from which non-rational creatures are safe. Being

perennially concerned with the possibility of political breakdown, Hobbes more often stresses the fact that our reason, language, and how we conceive our own good are liabilities that make us needful of politics; while Aristotle more often highlights them as faculties that make us capable of politics. Yet for Hobbes, human security requires living in a commonwealth, no less than human happiness (*eudaimonia*) requires living in a *polis* for Aristotle.

But beneath this seeming similarity is a pivotal dispute about the foundation of political science, and indeed the nature of politics itself. For Aristotle, what makes certain creatures “political” is that they exhibit (in Hobbes’s terms) *consensio*: they have a shared end, and they pursue it in a coordinated fashion. The fact that human beings possess reason and “perception” of the good makes them capable of richer forms of such *consensio*, namely, what Aristotle calls *homonoia*. Being both social and rational creatures, humans develop shared conceptions of their shared ways of life (the nature of their community, the ends they pursue together) and they deliberately coordinate their activity; yet Aristotle holds that this is a particularly complex version of the same *kind* of communal life as that of other political animals.

Hobbes’s point in *On the Citizen* 5.5 is that this is exactly wrong. It is not just that the capacities to use language and reason, to distinguish one’s private good from the public good, and to be concerned about one’s fellows can be liabilities, but also that they make reliable human *consensio* impossible. For Hobbes, politics is what is required to *overcome* the natural human tendencies that lead to disorder. Although living in a political community is essential for human flourishing, this is not because doing so is valuable in itself, as Aristotle would maintain, but only because it is necessary for avoiding the evils of the state of nature. Creatures that do not have this problem, whose nature brings them to a *consensio* or concord that facilitates communal life, simply cannot be described as political at all. It is in this sense that the notion of a naturally political animal turns out to be a contradiction in terms.

*All the Mind's Pleasure: Glory, Self-Admiration,
and Moral Motivation in On the Citizen
and Leviathan*

S. A. Lloyd*

Hobbes declares in the beginning of *On the Citizen* that “all the mind’s pleasure is either glory (or to have a good opinion of oneself), or refers to glory in the end” (EW 2: 5).¹ This startling claim about basic human psychology disappears in *Leviathan*. Hobbes seems here to be defining glory as a mental state – having a good opinion of oneself – comprised of a judgment of one’s own worth and a favorable assessment of that worth; and to be claiming that this mental state is experienced as pleasurable, presumably by everyone. Further, *every* mental pleasure somehow involves one’s positive self-assessment. There are no mental pleasures other than the pleasure of thinking well of oneself, or pleasures that involve as a component thinking well of oneself. If we take Hobbes to assume that people naturally desire and pursue pleasures, Hobbes’s extraordinary declaration in *On the Citizen* implies that securing and maintaining the favorable self-opinion upon which all mental pleasures depend will be a major motivation for action for everyone.

Hobbes’s language in the quoted formulation is ambiguous as between understanding glory as the cognitive state of thinking one’s worth is positive, or as the affective state of feeling good on account of one’s thinking highly of oneself; and experience tells us that it is certainly possible to have a good opinion of oneself without a concurrent feeling of pleasure, as happens in those who are depressed. Thinking well of oneself may be necessary without being sufficient for experiencing mental pleasure. Elsewhere Hobbes identifies glory with a feeling, e.g. “glory, or the feeling of triumph,” (OC 15.13) and “internal gloriation or triumph of

* I owe special thanks to Robin Douglass and Johan Olsthoorn for their brilliant editorial input.

¹ Michael Silverthorne (OC 1.2) renders the sentence “Every pleasure of the mind is either glory (or a good opinion of oneself), or ultimately relates to glory.”

mind" (EL 9.1).² To emphasize this conative feature while avoiding distortions imported by our contemporary notion of glory, I shall use the term "self-admiration" to pick out the specific idea of *feeling good in virtue of having a good opinion of oneself*.³ Self-admiration is the experienced pleasure of thinking well of oneself. One may desire self-admiration as an end; seek a favorable self-opinion as a means to that end; and seek the social supports for a favorable self-opinion, such as praise, honor, and respect from other people, as intermediate means to the end of self-admiration.

I shall suggest that the later disappearance of Hobbes's striking position on the ubiquity of the desire for glory may coincide with his realization that *On the Citizen's* coercive solution to the social problems that this particular desire causes is defective. Perhaps the experience of the civil war caused that change of mind. *Leviathan* de-emphasizes the quest for glory in generating conflict in the state of nature, while multiplying methods for channeling that motive or suppressing its development within political society. However, rather than pursing that speculative developmental claim, I shall argue that in stepping back from his assertion in *On the Citizen* of a universal basic motive of self-admiration, Hobbes loses sight of a tremendous potential resource for stabilizing political society. The desire for self-admiration can, in a properly designed commonwealth, motivate compliance with the requirements of morality; and a correct morality, such as that which Hobbes would have to be taught to all, is enormously helpful in securing civil peace. Re-attention to *On the Citizen* helps us to recover that insight and from it to develop an argument that Hobbes could have used to his benefit.

The Bases of Self-Admiration

Glory is central to a complex of related concepts including false-glory, vain-glory, just-valuation, modesty, pride, and ambition.⁴ In *Elements of Law*, Hobbes distinguished specific types from generic glory according to

² In a work roughly contemporaneous with OC, Thomas White's *De Mundo Examined*, Hobbes characterizes "a kind of triumph of the mind, or an internal pride" (without naming this 'glory') as "joy... or the mind's delight," which would be a feeling (AW 38.7).

³ "Self-satisfaction" might also describe the mental pleasure of thinking well of oneself, but because it suggests a lesser degree of pleasure than "self-admiration," I use the latter term even though Hobbes associates "admiration" with wonder at something extraordinary or unusual (to the perceiver).

⁴ Gabriella Slomp has meticulously disentangled varieties of glory and their associated concepts in many works. The fullest treatment is Slomp (2000); for a wonderful condensed treatment see Slomp (2013).

the basis on which one's positive self-opinion is formed, and the veridicality of that opinion. If our positive self-assessment, our "imagination of our power and worth" (EL 9.1), accurately reflects our experiential knowledge of our own achievements, it is properly described as glory. Glory is thus 'just valuation', that is, correct valuation of oneself, based on firsthand knowledge. A positive self-assessment based on merely imagined achievements or excellences is vain glory.⁵ Those whose high, but mistaken opinion of themselves draws on fame or flattery exhibit false glory (EL 9.1). Both vain and false glory involve an ill-founded and inflated assessment of one's own value. Very great vain glory is a species of madness (L 8.18–19: 112). "Pride" is a normatively loaded rather than purely descriptive term which could signify "just esteem" in a person whose high self-opinion is warranted, but usually signifies our condemnation of a person who we think overrates herself. Hobbes also condemns as prideful those who attempt to act above their pay grade (for example private citizens who take it upon themselves to judge good and evil, or to interpret God's will), because they wrongly suppose themselves to enjoy a privileged epistemic position. The person whose actions reflect a true estimate of her own capacities is called 'modest' (OC 1.4). Glory gives rise to effort, and false glory to ill-fated effort, or rash action (EL 9.1).⁶ Hobbes's official view is that vainglory results in inaction (EL 9.1; L 6.39: 88, 11.11: 154). But sometimes "vain glory, or a foolish overrating of their own worth" motivates aggression (OC 1.4),⁷ or commission of crimes from the presumption that one will be exempt from punishment (L 27.13: 460). Ambition is glory sought in political rule.⁸ Self-admiration – feeling good in virtue of having a good opinion of oneself – is pleasurable regardless of whether one's high self-opinion is well-founded or ill-founded, arising from glory, false glory, or vain glory.

Glory can take different objects, reflecting different bases for our positive self-assessment. One can glory in one's wealth, wit, learning,

⁵ Hobbes describes actions, rather than persons, as vain-glorious when they do not serve a useful purpose; for example, revenge is "glorying in the hurt of another, tending to no end . . . and glorying to no end, is vain-glory, and contrary to reason" (L 15.19: 232).

⁶ See also L 11.12: 156, where Hobbes, dropping the distinction between vain and false glory, writes "Vain-glorious men, such as estimate their sufficiency by the flattery of other men, or the fortune of some precedent action, without assured ground of hope from the true knowledge of themselves, are inclined to rash engaging."

⁷ Those who are "vainly glorious . . . hope for precedence and superiority above their fellows, not only when they are equal in power, but also when they are inferior" (EL 14.3).

⁸ Deborah Baumgold (1988: 56–79) documents Hobbes's concern with instability caused by ambitious elites.

beauty, strength, virtue, or any other honorable characteristic or accomplishment. It is natural to enjoy being honored and even worshipped. Hobbes writes that, in being worshipped, "his enjoyment lies in his contemplation of his own virtue, force, knowledge, beauty, friends, wealth or any other power which he has or regards as his own . . . This is nothing other than glory, or the feeling of triumph" (OC 15.13). Notice that we can glory in our own virtue, or moral rectitude. Hobbes often asserts that glory depends upon a favorable comparison of ourselves relative to others. He writes for instance, that "glory is like honour; if all men have it, no man hath it, for they consist in comparison and precellence" (EW 2: 1.2), and "all the heart's joy and pleasure lies in being able to compare oneself favourably with others and form a high opinion of oneself" (OC 1.5). Men compete for status-making goods in a way that naturally sociable animals do not, as "for man virtually nothing is thought to be good which does not give its possessor some superiority and eminence above that enjoyed by other men" (OC 5.5). The question whether the positive self-assessment on which self-admiration depends *necessarily* requires that one view oneself as superior to others is one to which we shall return.

In *On the Citizen* Hobbes insists that humans are not sociable animals in the sense that they would seek each other's society even if such society provided them neither advantage nor honor, neither gain nor glory (OC 1.2). Unlike bees and ants, their perceived private good may differ from the common good (OC 5.5). Yet humans are sociable animals in the perverse sense that their experience of mental pleasures depends very largely upon positive social responses to themselves, and "the love of praise is innate in human nature" (OC 10.9). It is also a psychological fact, available through introspection, that humans care to be, and to be seen as, *justified* in their actions and beliefs.⁹ Self-admiration is supported by the positive esteem of others, and undermined by their contempt or disesteem.

The mental pleasures become important for everyone once physical needs have been met, and, in some, mental pleasures are far more important than physical. As much as we may wish that our experience of mental pleasures should depend on no one but ourselves, we are psychologically interdependent creatures who need to secure the approval of others, or at

⁹ Hobbes, for example, held that a necessary condition of rebellion is feeling one can justify one's action (EL 27.1), and we are hurt by others' accusations of our error or ignorance, or even just by their disagreement with us (AW 38.7; OC 1.5). For a discussion, see Lloyd (2009: 91, 249–50).

least to avoid their disapproval, if we are to experience what is to us the central mental pleasure of self-admiration. It may be true that violent bodily death is the worst evil that can arrive “by nature” to humans;¹⁰ but there are fates worse than death “by culture,” including the “social death” we experience when others’ contempt for us deprives us of “every pleasure of the mind” by undermining our self-admiration. This is why one may “prefer to die rather than live in infamy and loathing” for performing shameful acts, and so is “right to refuse to do them” even at the sovereign’s command (OC 6.13).

If it is pleasurable to think highly of oneself, and all mental pleasures include this thought as one component, and people desire pleasure, then they will desire to think well of themselves. Hobbes notes that people deem good whatever they desire and will pursue what they deem good (other things equal). If one’s sense of self-worth is not entirely self-contained, but instead depends at least in part on other people’s perception of one’s worth (as is plausible), one’s desire for glory (a positive self-assessment) is apt to provoke one to make demands on other people. Honor is the inward recognition of another person’s worth or power; the external expression of honor is worship. People seek to extract honor from each other, demanding that others set at least as high a value on them as they themselves do.¹¹ They enjoy being praised and worshipped; signs of undervalue or contempt create resentment and ill-will, and provoke people to fight (for example OC 3.12; L 13.5: 190). They dislike being treated as sub-equal to others.¹² All men are inclined to think of themselves as wiser than most others (L 13.2: 188), and they “cannot avoid sometimes showing hatred or contempt for each other, by laughter or words or gesture” or even merely by disagreeing in opinion (OC 1.5); “every man thinking well of himself, and hating to see the same in others, they must needs provoke one another by words, and other signs of contempt” (EL 14.4). Expressions of self-admiration, and our pursuit of its requisites, invite conflict.

¹⁰ Hobbes acknowledges that supernatural, eternal death (damnation) is worse than natural death.

¹¹ See L 13.5: 190: “every man looketh that his companion should value him, at the same rate he sets upon himself: And upon all signes of contempt, or undervaluing, naturally endeavours, as far as he dares . . . to extort a greater value from his contemners.” See also L 10.17: 136.

¹² Hobbes notes that men grieve less at the burden imposed on them by taxation or a demand for service than they do at inequality in its imposition (OC 13.10). Their resentment at sub-equal treatment explains why arrogance (or *pleonexia*, the desire to have more than one’s fair share) is prohibited by natural law (L 15.22: 236).

Self-Admiration's Role in *On the Citizen* and *Leviathan*

Suppose Hobbes designs the state of nature argument to demonstrate why subjects should acknowledge that they ought to submit to the government under which they live. It proceeds in every version of his political philosophy by showing the undesirability of a condition in which everyone governs herself by her own private judgment. Approximate natural equality combines with natural sources of conflict to yield a condition of perpetual irresolvable contention that threatens to undermine our prospects for achieving any of our ends, including basic self-preservation. Pride and the desire for glory figure in each account as a natural source of conflict, but they are much more pronounced in *On the Citizen* than in *Leviathan*. In *On the Citizen* Hobbes insists that men *mostly* exasperate one another because of their inflated self-esteem (OC 1.12), that they seek society *more* for honor than for material gain (OC 1.1), that “envy and rivalry [are]... natural causes of conflict” (OC 5.4), and that the *fiercest* source of conflict among men is disagreement over ideas because they take disagreement as a personal affront to their honor. “All the heart’s joy and pleasure lies in being able to compare oneself favorably with others and form a high opinion of oneself,” Hobbes says, and if others disrespect you according to your own standard for the respect you are due, “there is nothing more offensive than this, nothing that triggers a stronger impulse to hurt someone” (OC 1.5). In *On the Citizen*, as in *Elements*, Hobbes cites both glory and vainglory as sources of conflict. Although in a state of nature the most frequent source of conflict is competition for goods, the most virulent conflict is glory-related.¹³

Yet in *On the Citizen* Hobbes appears hopeful that the expression in civil society of people’s prideful impulses in antisocial acts can be deterred by credible threats of punishment. Natural law alone does not suffice, but supplemented and reinforced by human (civil) punishments, prideful hostilities can be suppressed.¹⁴ Of course, because people act on their judgment of what best serves their interests, it is crucial to the commonwealth’s stability that they not believe they would do better to disobey than to obey

¹³ Interestingly, the Rousseau scholar Frederick Neuhouser (2008: 268–9), citing *Leviathan*, faults Hobbes for *not having taken seriously enough* the psychological desire for glory: “Rousseau has shown that *amour propre* plays a much greater role in causing a state of war of all against all than Hobbes’s listing of glory as one of its three causes implies (L 13.6).” Had Neuhouser read *On the Citizen*, he could not have made that mistake.

¹⁴ Leo Strauss ([1936] 1952) offers a simplified account of Hobbes’s theory as activating fear to overcome vanity, which is more naturally suggested by *On the Citizen* than by *Leviathan*.

(OC 6.11). Such a belief rests largely on the mistaken opinion, cultivated and manipulated by those with ambitions to rule, that salvation may require disobedience. It is in these terms that Hobbes explains “[h]ow the stupidity of the vulgar and the eloquence of the ambitious conspire to dissolve the commonwealth” (OC summary of 12.13). Thus, measures to educate the public in true opinions and to suppress the dissemination of false doctrines are necessary in order for the threat of civil punishment to keep the peace; but this done, the sovereign’s mighty power should keep the peace.

Leviathan de-emphasizes pride as a source of conflict in the state of nature and intensifies its significance as a source of disruption in civil society. Glory appears in Hobbes’s *Leviathan* analysis as the third of three causes of conflict in a state of nature, no longer the most virulent source of natural conflict, nor motivating every person’s behavior. Vainglory does not appear at all in *Leviathan*’s state of nature analysis.¹⁵ Further, competition for desired goods remains the most widespread source of conflict and could well suffice to provoke the anticipatory and retaliatory fear-based violence that makes the state of nature so undesirable, without any appeal to glory.

Pride reemerges with a vengeance though, in Hobbes’s account of resistance to the sovereign in civil society. Prideful insistence on one’s own private judgment of religious requirements, or one’s own private judgment of proper governance, is a significant source of sedition. Intellectual pride turns doctrinal disagreements into lethal struggles. Hobbes reaffirms his *On the Citizen* view that there “is virtually no dogma either in religion or the human sciences, from which disagreements may not arise and from them conflicts, quarrelling and eventually, war . . . because . . . men want to believe themselves wise and appear so to others.” “However,” Hobbes continues, “by the use of sovereign power they can be kept from interfering with the public peace” (OC 6.11n). That earlier hope that fear of natural death at the hand of a punitive state would silence such forms of pride is replaced by the recognition that people can take pride in defying death in the service of honor or religious duty. Hobbes names his treatise *Leviathan*, consistent with his earlier hope that a properly designed sovereign could discipline all the children of pride just by its mighty power; yet within that treatise he concedes the futility of efforts forcefully to suppress the passion of self-admiration.¹⁶ As I shall argue, he develops a multi-pronged approach to

¹⁵ In EL 14.3, Hobbes had stressed that vainglorious would-be conquerors may provoke anticipatory defensive aggression from others; in OC 1.4 vainglory is a source of the will to do others harm.

¹⁶ See for example LL 47.29: 1129–31: “quarrels among men about opinions, and about whose intellect should prevail, cannot be taken away by force of arms. Evils of this sort must be extinguished in the same way that they arise.”

civilizing this passion, including gestures toward a positive use of it that he may not have fully appreciated precisely because he lost sight of the centrality of this passion in every human's psyche.

Gabriella Slomp (2000) sees a different sort of shift in Hobbes's treatment of glory, from an early view in which glory is the *genus* of all passions, to *Leviathan*, which presents glory as one among many, varied and unknowable species of passions, important in the motivational schemes of some but not of all people. Yet Hobbes always recognized bodily passions, which do not originate in or relate to self-admiration. We might think of sensual desires as the root of the pursuit of riches, motivating those who seek society for gain rather than for glory.¹⁷ Slomp holds that still in *Leviathan* Hobbes thought fear of punishment can sustain civil society, and that it was not until *Behemoth* that he came to see that stability depends on subjects' knowledge of the principles of political obligation. I find him arguing for the necessity of such knowledge already in *Leviathan*.

The Psychology of Self-Admiration

Returning to Hobbes's striking contention in *On the Citizen* we may ask: Do we have any reason to think that Hobbes was right that all the mind's pleasure consists in or ultimately involves having a good opinion of oneself? Thinking in physical terms, as Hobbes sought to do, we might conjecture that one's thought that one is admirable releases a surge of dopamine. Drawing on an evolutionary theory not available to Hobbes, we might suppose that, because successfully surmounting obstacles was necessary for human survival, humans evolved to experience such successes as pleasurable, with that pleasure then motivating further efforts. Successful performance utilizes capabilities, or what Hobbes termed "powers." Introspection confirms that people experience occurrent pleasure with each acquisition of a power. Because power in a competitive environment is relative to the power of one's competitors (all power there being only "excess of power"), the pleasurable experience of gaining a power would involve having a higher opinion of oneself (with respect to that power) than one does of competitors. Samantha Frost (2019) has recently offered a forceful argument that the human body's "impetus to persist in living" stretches outward to draw others into its orbit as aids to maintaining the

¹⁷ Of course, one may glory in being richer than others. In *Behemoth*, Hobbes opines that merchants' "only glory [is] to grow excessively rich by the wisdome of buying and selling" (B 276).

social conditions needed for satisfying its future desires. On her account of the structure of subjectivity, it is no wonder that we should be concerned to justify ourselves to others, and to experience our high opinion of our status as pleasurable.

Recall that Hobbes reserves the term “glory” for a true assessment of one’s worth based on one’s actual characteristics and past accomplishments; self-admiration based on proper glory would prove adaptive. But we also take pleasure in merely imagining ourselves to be worthy, from external flattery or self-delusion. That pleasure may be a dysfunctional byproduct of the biological mechanism that rewards the acquisition of powers. Hobbes holds that “any thing that is pleasure in the sense, the same also is pleasure in the imagination” (L 11.6: 152). That is, anything we enjoy actually experiencing, we also enjoy imagining we are experiencing. By this (quite plausible) psychological principle, the dopamine surge from mistakenly thinking ourselves admirable will be just as real as that which comes from a well-grounded self-admiration.

Our assessment of our self-worth is affected by the opinions of other people as to our worth. We desire their good opinion (good reputation being itself a form of power) and experience both their praise and our imagination of their praise as pleasurable. We are made unhappy by their contempt, or even by the imagination of their contempt. Hobbes asserts that the only reason one would ever take time away from private business to engage in public affairs is in order to gain praise and admiration for one’s good sense and fine achievements (OC 10.15). Further, the prospective social reward of canonization or deification “can induce those who are avid for such glory to dare and do anything. For what else but honour in the eyes of posterity were the Decii and the other Romans looking for when they devoted [i.e. sacrificed] their lives, and a thousand others who have thrown themselves into unbelievable dangers?” (OC 18.14) Hobbes bemoans the fact that gentlemen will risk death to duel for their honor.

Indeed, Hobbes concedes in *On the Citizen* that a subject is morally blameless for refusing to carry out a commanded action it would be dishonorable for him to do, and that the sovereign would offend against the law of nature were he to kill the subject for refusing his command to do that dishonorable act (OC 6.13).¹⁸ In *Leviathan*, the “true liberties” left to

¹⁸ Subjects authorize their own capital punishment should they be disobedient, saying “Kill me, or my fellow, if you please” (L 21.14: 338). But sovereigns who kill a subject for refusing to obey an unnecessary command to behave dishonorably violate the law of nature conferring a sovereign duty to impose only “needfull” laws (L 30.21: 540). Their punishment is an act of cruelty because it pointlessly harms the subject (L 15.19: 232), and they exhibit *contempt* toward their subject by

subjects include the moral permission to refuse commands to act dishonorably, except when refusal would frustrate the sovereign's ability to secure peace and common defense (L 21.15: 338). The natural law itself *respects* our human concern to maintain our self-admiration. "Contumely," or showing contempt for others is forbidden because it provokes the perfectly understandable reaction of fighting for one's honor (L 15.20: 234); insult is forbidden because it is "more provocative of quarrels and fighting than anything else, so that most men prefer to lose their peace and even their lives rather than suffer insult" (OC 3.12); and expressing disesteem is forbidden because "life itself, with the condition of enduring scorn, is not esteemed worth the enjoying, much less peace" (EL 16.11). Hobbes recognizes that people may have a transcendent interest in maintaining the public reputation and high self-opinion that supports their feeling of self-admiration.¹⁹

Clearly, Hobbes thought our desire to think well of ourselves is a major font of motivation, but was he correct? The claim that "all the mind's pleasure is either glory (or to have a good opinion of oneself), or refers to glory in the end"²⁰ may be less exaggerated than at first appears. If the pleasure you take in the achievements of your loved ones did *not* involve their connection to you, you would take the same pleasure in the achievements of strangers; yet you do not. The pleasure you take in even an abstract argument like Euclid's Book I proposition 47 implicates self-congratulation for understanding the proof – look how smart you are! Hobbes's contention in *Elements* that the *mental* pleasure of sexual love consists in the imagination of one's own power to please one's partner also rings true. Hobbes may have believed at the time of *On The Citizen* the obverse claim, that all the mind's pain is having a low opinion of oneself (one's powers).²¹ Such a position would implausibly analyze, e.g. our heartbreak at the death of our loved one as mere fear that we lack the power to prevent death from happening to us; whereas profound grief may prove so great a mental pain that we are moved even to suicide. Still, Hobbes seems right that shame, which we experience upon finding a

supposing him so debased that he would be willing to act dishonorably. Sovereigns who inflict punishments that they would judge iniquitous were they on the receiving end of such treatment violate natural law's most fundamental requirement of reciprocity (OC 3.26).

¹⁹ A transcendent interest is one for the satisfaction of which a person is willing to die if necessary (Lloyd 1992: 1–3 and *passim*).

²⁰ In AW 38.8 this is phrased "every joy of the mind consists in the opinion any individual has about some virtue of his own."

²¹ Hobbes writes in AW 38.7 that "Whatever is distasteful to the mind is repellent because it lowers our own high opinion of our own potential."

defect or infirmity in ourselves, is a mental pain. It too may be strong enough to motivate even suicide.

Provisionally accepting Hobbes's view of the psychological centrality of self-admiration, we should consider whether this passion necessarily involves feeling superior to others. Twentieth-century philosophers have distinguished between assessments of a person's worth that depend on the degree of her possession of particular qualities, and estimations that depend on possession of some threshold quality, or status, such as being a person, or being a rational being. Stephen Darwall (1977: 38) distinguishes "recognition respect," owed to persons as such, and shown by constraining our behavior toward them so as to give proper weight to the moral significance of the fact of their personhood, from "appraisal respect," which consists in feeling esteem for people because of their "excellence as persons or as engaged in some specific pursuit." David Sachs (1981) distinguished "self-respect," which involves demanding recognition of one's rights and resenting and resisting others' efforts to use, manipulate, exploit or degrade one, from "self-esteem," which depends on assessment of one's particular "advantages and accomplishments."²² The fundamental distinction in the thought of each of these philosophers is between affording an individual moral status as a person (which is done behaviorally, by treating them in a certain way), and evaluating an individual's merit or worth with respect to their personal qualities or excellences (which is a matter of feeling a degree of esteem for them). Neither assumes that appraisal respect or self-esteem requires acknowledgment of superior qualities relative to others.²³ Temporally closer to Hobbes, Rousseau ([1755] 1992: 91) distinguished between a simple self-love that is content when one's true needs are satisfied (*amour de soi*) and the sort of passion for self-esteem that seeks standing in the eyes of others and relative to the standing of others (*amour propre*). Rousseau scholars disagree as to whether satisfaction of *amour propre* necessarily requires having others recognize one as superior (Neuhouser 2008), or could rather be satisfied merely by being recognized as an equal (Cohen 1997; Rawls 2007). Some identify non-inflamed *amour propre* as demanding mere recognition respect for one's

²² Mark (2018: 392–3) attributes to Hobbes a notion of "categorical" honor as denoting membership in the class of honorable men rather than membership in a "lower class of person," which he contrasts with honor as personal superiority. Categorical honor would be less universal than recognition respect and less individualistic than appraisal respect.

²³ As Sachs (1981: 355) emphasizes, "it is, after all, not a requirement for something's being a ground or reason for self-esteem, or for esteeming others, that it be unusual or extraordinary."

rights as having equal moral status, rather than recognition esteem for one's particular excellences relative to others.

These distinctions, which draw their idea of respect and recognition from Kant's moral philosophy, are of limited usefulness in understanding Hobbesian self-admiration. This is partly because, for Hobbes, the requisites for making a positive self-assessment depend on one's actual social environment.²⁴ Our self-assessment reflects our judgment of our power (or means to affect our present or future ends). In a pre-political competitive environment, when having power to effect personal ends requires *excess* of power over others who have *contrary* ends, positive self-assessment might well depend on thinking oneself superior. But in a commonwealth, where coordination rather than competition reigns, and laws protect a sphere of 'harmless liberty' for each from the interference of others, people can attain their (permissible) ends without having any more power than their neighbours. Hobbes glimpses that in a properly administered commonwealth, it becomes for the first time possible for people to be *content with equality*. Their actually being so content, however, would require further measures, which we discuss below.

Reflecting on our own first-hand experience within functional political societies, we find that relatively few people need public fame or recognition of themselves as superior in everything to all others in order to enjoy self-admiration. It rings psychologically false for all except perhaps Achilles and Trump that one's self-admiration must depend on feeling recognized as being superior to all others in all ways. For most, it is enough to support their self-admiration that their spouses, children, and best friends prefer them to other people. Most are content with being better than average (but by no means the best ever) cooks, dancers, bowlers or chess players, gamers or baseball statisticians, guitarists, or philosophers. Many take pride in their improved skill over time, in being superior to their former selves. Many also take pride in living well-balanced lives without special expertise in anything, as Aristotle recommended; pitying rather than envying those stars who sacrifice family and friendship in their single-minded pursuit of wealth or fame. Although our self-admiration may require *some* public acknowledgement of our value, or at least not public expressions of disvalue for ourselves and our activities, Rawls (1971: 387) seems right to say that:

²⁴ It is also because Hobbesian natural law morality does not begin from a requirement of respect for all humans *qua* rational beings or even *qua* God's children.

It normally suffices that for each person there is some association (one or more) to which he belongs and within which the activities that are rational for him are publicly affirmed by others. In this way we acquire a sense that what we do in everyday life is worthwhile.

In battle, superiority is necessary; in civil life, it need not be.

Moral Motivation and the Desire for Self-Admiration

One of the perennial questions of moral philosophy is whether it is rational to be moral. This question is generally understood as asking whether it is in the narrow self-interest of a person pursuing wealth or pleasure or other personal advantage to conform to some impartial standard of behavior that requires deference to the interests of others in some cases. Some philosophers, including Plato and Kant, have answered that the question presupposes too narrow a conception of rationality, and that reason in rational beings like ourselves ideally secures a kind of mental health and expresses our nature as self-governing. Most of his interpreters have taken Hobbes to hold that it is rational to be moral *only* because conforming to impartial standards of behavior does in fact best promote narrow self-interest. Without engaging that larger issue here, our inquiry indicates that Hobbes takes people to *include* their reputation, honor, and self-esteem, as elements of their self-interest. How does that fact affect his answer to the classic philosophical question of whether it is rational to be moral?

Hobbes is explicit that one ought to fulfill one's obligations simply because one has undertaken those obligations, it being contrary to reason willingly to undo that which one has willingly done. We will then wish to ask, not why we ought to fulfill our obligations, but rather what he thinks can *motivate* us to do what as we ought. The main schools of thinking about motivation for compliance with moral imperatives have proposed:

- (1) Fear of punishment for non-compliance.
- (2) Desire for approval, or aversion to disapproval.
- (3) Perception that morality requires compliance.

Historically, students of political philosophy have associated (1) with Hobbes (punishment being inflicted by the sovereign, by peer retaliation, by God, or by the "natural punishment" of return to a state of nature) and (3) with Kant. Position (2) comprises both the desire for self-approval and the desire for the approval of others. Some theories of moral development posit that motives 1–3 dominate at different developmental stages; people

graduate from motivation by fear of punishment to motivation by concern for the approval of those they admire to motivation by guilt for non-compliance once they have internalized moral norms, and finally to motivation by principle (e.g. Rawls 1971: §§70–2). There is textual evidence in support of the claim that Hobbes believes each of these can be motivational. He allows that in his own day, some few were motivated to do what they knew to be morally required by their desire to be honorable agents acting on justified principles, those rare “generous natures” who act not for fear of evil consequences of any sort, but for duty’s sake.²⁵ It is important to keep in mind though, that something can be a motive, indeed a primary motive, without actually succeeding in motivating behavior in every case, or even in most cases, for any is sometimes either overridden by competing motives, or defeated by simple weakness of will.

The requirements of morality are contained in the laws of nature. These are implications of the basic moral requirement of reciprocity, i.e. of observing toward others the norms of behavior one demands be observed toward oneself. Hobbes defines virtue as conformity with the requirements of natural law, and good works as those that so conform. He opines in *On the Citizen* that the desire of praise is usually what motivates people to do anything to deserve it (OC Pref. 20); when people do good works, however infrequently that may be, their motive is usually a desire for praise. This suggests that offering the prospect of praise can motivate good behavior. He also admits that “the wickedness of human character is evident to all, and experience shows only too well how poorly the mere awareness of a promise made without threat of a penalty holds a man to his duty” (OC 6.4). Motivation to do one’s duty usually requires some perceived penalty for non-performance. However, social disapproval is among the most effective penalties; being looked down upon is one of the things we are chiefly concerned to avoid, because it both diminishes our power and undermines our self-admiration. It is then consistent with his proffered psychology to assume that the desire for praise and to avoid contempt can motivate conformity with duty.

An essential feature of the natural law is its universal knowability. Because it is promulgated via natural reason, all normal adults may be assumed to know that they should treat others as they require to be treated. Because all may safely assume that every other normal adult also knows

²⁵ Hobbes offers his friend Sidney Godolphin as an example of a person properly motivated to act rightly (L R&C.4: 1133).

this standard, it provides an intersubjective or public standard for measuring the virtue of other people, which we know they can equally apply to measure our own virtue. Those who selectively defect from the standard we all affirm are hypocrites. Hypocrites inconsistently apply principles they accept, exempting themselves while demanding others' compliance. This is precisely what reason condemns, and those contemplating hypocritical violation of natural law should anticipate that the result will be a decline in our esteem for them. Nor can they evade this result by pleading ignorance of the natural law, for such an admission will also diminish our opinion of them. It seems then that we can, potentially, be motivated to do what is right by our desire to be admired as right-doers (our actions being in accord with right reason), or by our desire not to be looked down upon as hypocrites or as sub-rational blunderers acting on unjustified principles, or as without principles at all, like unreasoning animals.²⁶

If, as I have argued, the concern not to be seen by others as brutish or hypocritical violators of natural law can motivate conformity to the natural laws, why does it not do so in the state of nature? In a condition that lacks assurance that others will reciprocally observe the requirements of natural law (of justice, gratitude, etc.) toward oneself, one's unilateral observance of those is *not required* under natural law. To demand unilateral observance would be to require one to make oneself easy prey, or to aid violators in victimizing oneself, procuring one's own "certain ruin." Natural law licenses the right of nature in a state of nature,²⁷ so failure to conform *in foro externo* to these particular requirements in pursuit of self-preservation does not in fact violate natural law. Further, the concern for reputation

²⁶ Animals are inferior to humans with respect to reason because they lack the capacity to observe the natural law requirement of reciprocity. That incapacity however also entails that they cannot sin, no matter what they do. In *On the Citizen* Hobbes floats a peculiar and problematic argument, not repeated in *Leviathan*, that we do not need a permission from God's positive law (via revelation) in order to blamelessly harm animals. Natural law permits such harm because, without such a permission "the condition of mankind would surely have been very hard, since the beasts could devour them in all innocence, while they could not devour the beasts" (OC 8.10; see also EL 22.9). Animals are inferior sorts of beings precisely because they cannot hold themselves to reasonable standards. For a human willingly to degrade herself to the status of a beast by refusing to hold herself to reasonable standards is to exhibit an infirmity, the perception of which should trigger shame.

²⁷ Natural law's core reciprocity requirement that we grant others what we demand for ourselves entails that our refusal to be held blameworthy for acting on our private judgment in the service of self-preservation imposes a duty on us to concede a universal right of nature to all to do the same. Hobbes stipulates that 'right' is the realm of permission to do what law does not forbid; the right of nature is a sphere of blameless liberty left to us by the law of nature.

does motivate compliance even in the state of nature with the natural law prohibition on cruelty; the motive of pirates and plunderers in “early times” was precisely “to win glory but not to get a reputation for terrorism by being too cruel” (OC 5.2).

Civil society creates the orderly environment that removes our fear of victimization by others’ violations of natural law provided that civil law adequately specifies what natural law requires, there is an expectation of law enforcement, and crucially, that subjects receive a robust education in their moral duties and the civic implications of those. Evil, Hobbes writes, is just a lack of reason in those who should have acquired it and can harm others (OC Pref. 13). All men are born unfit for society because they are not born with the full-blown reason necessary for self-governance according to natural law; but they are not therefore evil, because they cannot do harm and are not yet of an age that they should have developed that reason. Proper socialization will, over time, develop their reason so that they may grasp natural law. Heretofore, in our imperfectly administered commonwealths, many men, consumed by pecuniary pursuits and lacking a correct moral education, have failed to develop their reason.²⁸ The key is to impose the right kind of socialization.

It may seem paradoxical that the passion that causes the most vicious conflict may also serve to secure peace by motivating conformity with natural law, until we consider how socialization can change the object of a passion. Hobbes explains in *Leviathan* that passions are forces that take different objects depending largely on particular education (L Intro. 3: 18). All people desire and fear, but *what* they desire and fear depends in part on their socialization. The passion of self-admiration takes as its general object feeling good about oneself; but its specific object – which of one’s attributes raise that good feeling (wealth, book-learning, gender, skin color) – can alter under social influence. Hobbes tells the story of hysterical maidens being made to stop killing themselves by threatening to strip their dead bodies naked. If it is possible to direct human self-admiration toward so conventional an object as sexual modesty, it must surely be possible to direct it toward the possession of something as fundamental to harmonious human life as moral virtue. Morality, Hobbes insists, requires that we be *content with equality*; this entails that in taking our moral virtue as the object of our self-admiration, self-admiration necessarily involves

²⁸ “[A]ll men (since all men are born infants) are born unfit for society; and very many (perhaps the majority) remain so throughout their lives, because of mental [infirmity] or lack of training” (OC 1.2n).

not *being superior to others*, but instead *being not inferior to others*, or more positively formulated, *being an equal*. The desire for status in its uncivil form, and under competitive conditions, is a desire to be superior to others; while in its socialized form, in a coordinated environment, it becomes a desire to be not inferior to others. When self-admiration no longer requires superiority, it is no longer zero-sum; all may enjoy self-admiration when what they admire themselves for is their moral virtue. The aim of Hobbes's educational program, then, should be to effect this transformation, not only because it would decrease discontent and conflict, but more importantly because (granting the rest of Hobbes's arguments²⁹) morality entails civil obedience, and *this form of the passion for self-admiration provides a motive to behave morally*.

Managing Ambition and the Desire for Self-Admiration

If it is correct to see Hobbes in *Leviathan* as having lost confidence in the state's use of coercive force as a complete solution to the social instability generated by subjects' pursuit of the glory (positive self-opinion) required for self-admiration, we should expect him to have offered a more nuanced solution. We can think of his recommendations as addressing glory-related "discontent," and glory-related "pretense of right," two of the three conditions necessary to motivate sedition (EL 27.1).³⁰ In addition to the crucial mandate to inculcate morality so that subjects' self-admiration will depend largely on their perceptions of moral virtue, with any *competition for status as virtuous persons actually pressuring them to suppress prideful and arrogant impulses*, Hobbes offers at least five other recommendations. The first is to minimize political participation. The benefit of monarchy is a point that Hobbes makes much more clearly in *On the Citizen* than in *Leviathan*. To an imagined critic's suggestion that a popular state is desirable because it lets all display their prudence and eloquence in pursuit of honor, Hobbes replies that popular government actually stimulates pride-based conflict. In a psychologically astute description of the disadvantages of participating in a popular assembly, he writes:

²⁹ Still needed are his argument from natural reason that natural law requires submission and obedience to a civil sovereign, and his arguments from Scripture that obedience to natural law is a necessary condition of salvation, and that divine positive law does not prohibit civil obedience.

³⁰ Being insulted by judges, magistrates, and "great" citizens creates discontent against the sovereign who protects them in their insolence, as well as indignation at having been treated wrongly (hence pretense of right, or a moral justification, to resist).

To see the proposal of a man whom we despise preferred to our own; to see our wisdom ignored before our eyes; to incur certain enmity in an uncertain struggle for empty glory; to hate and be hated because of differences of opinion (which cannot be avoided, whether we win or lose); to reveal our plans and wishes when there is no need to and to get nothing by it; to neglect our private affairs. These, I say, are disadvantages. (OC 10.9)

It is likely that some men will envy the monarch or elite council that rules. But understanding that the benefits of sociable life require inequality, they should not regard that inequality as unfair; and allowing it is better than fueling conflict with political participation (OC 10.4).

Perhaps the most important recommendation is for the sovereign to create an environment in which subjects can achieve their ends without needing an “excess” of power. A coordinated, rather than competitive, social space in which people can pursue their legitimate ends without interference from others obviates the need to be or to be seen as better than other people. Rule by settled, standing law, the equitable administration of justice, an equitable tax policy, and provision of public charity to provide necessities to all to see “that they should not lack the things that are necessary for life” help to create that environment (LL 30.18: 539).

Also important is for the sovereign to restrain the arrogant and suppress elites’ expression of an uncivil superiority, or contempt for the lower classes: “It belongs to the sovereign to see that the common body of citizens are not oppressed by the great ones, and much more that he himself does not oppress them on the great one’s advice,” and to “take care that the great citizens do not provoke the ordinary people with insults,” for “to revile someone for his lowly status is both iniquitous and dangerous to the commonwealth” (LL 30.16: 537). Hobbes repeatedly emphasizes that distinctions of rank are conventional rather than reflections of native superiority, and if we are to honor people according to their power “why should not the common people be honored, because they are many, and much more powerful [than the great]” (LL 30.16: 537). Further, sovereigns should channel the glory-seeking of the great into socially useful activities, such as military defense or public benefaction, and heap ignominy on those who seek glory in uncivil ways. “The honour of great Persons, is to be valued for their beneficence, and the aydes they give to men of inferior rank, or not at all,” Hobbes writes, and the “injuries they do, are not extenuated, but aggravated by the greatnesse of their persons” whose insolence will provoke the aggrieved to “endeavour to pull down all oppressing and contumelious greatnesse, though with the ruine of the Common-wealth” (L 30.16: 536). In another psychologically

insightful analysis, Hobbes suggests that those who would illegally duel in defense of their honor, despite a threatened capital punishment, may still be restrained from doing so by extracting from them a prior oath that they will not rise to provocation, thus making their dueling a dishonorable violation of their oath (LL 30.12: 531). Just as pride in being generally virtuous can suppress arrogant contention, pride taken in one's fidelity to covenants and oaths can suppress the specific impulse to answer insult with violence.

Finally, a well-designed commonwealth will provide avenues for ordinary subjects to harmlessly pursue any residual competitiveness. The entire sphere of "harmless liberty" permits folk to compete for spouses and jobs, places on the local whist team, and awards in the local pie-baking competition. Writ larger, a capitalist economy, as C. B. Macpherson (1968) argued, may provide an outlet for competition in pursuit of riches, one type of power.³¹ Together, the strategies of minimizing political participation, creating a less competitive environment, restraining expressions of contempt by the elite toward ordinary folk, setting conventional honors/dishonors for socially salutary/disruptive behaviors, and providing an avenue for expression of competitive impulses in harmless ways and in the market, should help to tamp down destructive glory-seeking. But none of these will be enough without subjects' moral commitment to contentment with equality. That commitment, inculcated through a robust program of socialization, provides a pervasive ground-level social sanction against effluences of hubris, pride, and vain-glory.

³¹ Eva Odzuck (2019: 40–5), interpreting Hobbes's description of men's psychological tendency to honor the powerful as a *normative endorsement*, attributes to Hobbes a "double morality" which approves and incentivizes the "incurable, unsociable power-seeker" to use the commonwealth's peaceful environment as a "rich hunting ground" to exploit "dull, unintelligent people" by secretly "faking honesty, moderation, and peace[fullness]" in order to use "force and fraud, for instance, making contracts with dull people, corrupting judges, and stretching the laws" to "take what he deserves due to his natural worthiness." I have argued that Hobbes has multiple strategies to address glory-seekers without positing a covert "double morality," or "anti-morality" approving the exploitation, fraud, and corruption that morality condemns. Odzuck may not be appreciating the profound power of training on the development of personal characteristics, Hobbes writing that "it is by the rod that boys' *dispositions toward all things are shaped* as parents and teachers wish" (DH 16.4, emphasis added). Nurture trumps nature. Testing revealing a high IQ at a young age – making one "intelligent" rather than "dull" – demonstrably does *not* determine that one will become an "incurable, unsocial power seeker," no matter the influence of one's family, church, community, and polity. Even if "nature is stronger than laws" (LL 10.49: 143) lacking a sword to enforce the laws, training is stronger than either. Further, only fools count on secrecy and the ignorance of others to achieve their ends (L 15.5: 224), and those who are discovered to be unsociable are to be cast out of society (L 15.17: 232). A properly functioning commonwealth will not produce enough of these secret sociopaths to undermine social peace.

In *On the Citizen*, Hobbes declares that all the mind's pleasure just is or involves thinking well of oneself. That is a crucial insight into human psychology, and one which drives his political philosophy even as Hobbes loses sight of it in successive incarnations of that philosophy. Reinserting this key into our interpretation of the arguments of *Leviathan* opens a new way of understanding the importance of the laws of nature, and of how essential a proper educational regime is to co-opting those laws to alter the object of the principal passion of self-admiration.

CHAPTER 4

The Right of Nature and Political Disobedience: Hobbes's Puzzling Thought Experiment

Susanne Sreedhar*

While natural right and the limits of political obligation are topics that Hobbes discusses in all his works of political theory, his approaches to these topics in *On the Citizen* are distinctive enough to merit serious analysis on their own terms. Two differences stand out. First, *On the Citizen* is one of the early texts where Hobbes offers a derivation of the right of nature. In *Leviathan* he simply stipulates it. Second, *On the Citizen* is the only text where his account of retained rights centers on an example in which a subject justifiably disobeys a command to kill their parent.

We can identify three distinct moments in the trajectory of natural right in the *On the Citizen* version of Hobbes's political theory. The first occurs when Hobbes makes the argument for the right of nature in chapter 1 and then claims that it amounts to the "right to all things" in the state of nature. The second moment happens in chapter 2 when Hobbes offers an account of how this expansive right is given up and an argument for why a person cannot be obligated by an agreement not to resist death. The third moment comes in chapter 6 where Hobbes takes up the question of the scope and limits of political obligation. Here he extends the account of when people can disobey the sovereign to include disobedience to dishonorable commands, in particular a command to kill a parent, which a person need not obey. Over the course of *On the Citizen*, then, natural right expands, contracts, and expands again. This chapter demonstrates that this fluctuation in Hobbes's articulation of natural right sets the stage for a particularly curious thought experiment that he offers in the guise of a parricide example. I argue that this thought experiment underscores

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a tension that remains unresolved in *On the Citizen* and is obscured by his articulation of political disobedience in later work.

To ground this argument, this chapter traces the trajectory of natural right through these three moments of expansion, contraction, and expansion again, paying special attention to the consistency and cogency of the account of political disobedience. I first reconstruct Hobbes's derivation of the right of nature, offering a particular interpretation of Hobbes's argument for it. I then elaborate Hobbes's arguments for why a certain part of natural right cannot be given up in a contract. The bulk of the chapter is then devoted to Hobbes's account of "simple obedience" and the puzzling example he uses to illustrate it, namely, the case of a subject ordered to commit parricide, which Hobbes thinks can be justifiably refused. Here I turn to deeper questions about Hobbes's discussion of this example, canvassing options for what he might have been referring to, reconstructing the logic of his argument, and suggesting that it reveals a tension in his account of political obligation. Finally, I show how this tension is erased but not entirely resolved in later works.

Moment One: The Right of Nature and the Right to All Things

In *On the Citizen*, chapter 1, "On the State of Man without Civil Society," Hobbes gives an argument for natural right that is premised upon a claim about human psychology. The conclusion of this argument, namely that "self-preservation is *always* understandable" is what Richard Tuck (1998: xxiv) calls "the single universal principle in Hobbes's theory." Here is the relevant text from *On the Citizen*:

[In the state of nature] Amid so many dangers therefore from men's natural cupidity, that threaten every man every day, we cannot be blamed for looking out for ourselves; we cannot will to do otherwise. For each man is drawn to desire that which is Good for him and to Avoid what is bad for him, and most of all the greatest of natural evils, which is death; this happens by a real necessity of nature as powerful as that by which a stone falls downward. It is not therefore absurd, nor reprehensible, nor contrary to right reason, if one makes every effort to defend his body and limbs from death and to preserve them. And what is not contrary to right reason, all agree is done justly and *of Right*. For precisely what is meant by the term *Right* is the liberty each man has of using his natural faculties in accordance with right reason. Therefore the first foundation of natural *Right* is that *each man has to protect his life and limbs as much as he can*. (OC 1.7; see also EL 14.6)

On the face of it, Hobbes seems to be ascribing a kind of universal, absolute necessity to death-avoidance. It looks like he is saying that human

beings avoid death because of a kind of compulsion – as he puts it, with the necessity that, as he says above, “a stone falls downward.” Death as the greatest of evils and death avoidance as the greatest desire are familiar claims for Hobbes. In the “Epistle Dedicatory” of *On the Citizen*, he lambasts all previous moral philosophy for not having the right starting points and so for making no progress. Then he says there are two “absolutely certain postulates of human nature” – the first is about greed (*cupiditatis*), where every person insists on having his own. The second is “the postulate of natural reason, by which man strives to avoid violent death as the supreme evil in nature” (OC Ep. Ded. 10). From these two postulates he says he will derive the rest of his political theory.

A strong interpretation of the principle of death-avoidance works well for his argument for the right of nature. If the desire to avoid death is so universal and overwhelming, then of course we cannot blame people for seeking to preserve themselves. It would be like blaming them for not defying gravity. On this reading, the argument seems to be: Just as we do not hold individuals morally accountable if they succumb to the force of gravity (by, say, not flying upward at will), we do not hold individuals morally accountable if they succumb to the force of self-preservation in order to keep themselves alive and intact. He reiterates this kind of claim in chapter 2, arguing that we cannot rightly blame people for not doing the impossible, namely choosing death over a lesser evil.

Though it seems that the argument rests on a simple and unconditional premise about death being the worst evil, our reading must be more nuanced than that. Hobbes himself does not hold that it is absolutely impossible for people to overcome their desire to avoid death (e.g. OC 6.13); and this view has been largely debunked in the secondary literature (e.g. Lloyd 1992; Murphy 2000). We should take the claim to be that death avoidance is an incredibly strong, often overwhelming, impulse most of the time in most people. Hobbes’s larger argument only requires that death-avoidance provides motivation that is *sufficiently strong and sufficiently widespread that it absolves people of culpability*. Note that this is much easier to justify than the claim that death avoidance is as incontrovertible as gravity. Further, the conclusion is not restricted – he wants the blamelessness of self-preservation to be absolute and universal. Rather, the key premise is restricted. The key move is that death is sufficiently bad for most people most of the time that we cannot hold them responsible when they seek to avoid it.¹

¹ This is not an uncontroversial interpretation of Hobbes’s argument for the right of nature. I defend it more fully in Sreedhar (2010: 7–52).

After grounding the right of nature, Hobbes argues that, “natural right has given *each man a right to all things*” (OC 1.10). “What is done . . . for self-preservation, is done rightly” (OC 3.27), and since almost anything can be seen as useful in one’s pursuit of self-preservation in the state of nature, the right of self-preservation vastly expands. Hobbes here points out that insincerity is the only limitation; one does not have the right to something if one does not sincerely believe that thing will contribute something, however small, to one’s preservation. He adds the somewhat puzzling qualification that drunkenness and cruelty cannot be understood to contribute to self-preservation and so will always be against the law of nature (OC 3.27).

One might wonder whether Hobbes equates the right of nature with the right to all things; that is, whether they are one and the same. They are not. In the state of nature, the right to nature “gives” (to use the language just quoted) people the right to all things, but the two are conceptually distinct. It’s only in the condition of war that anything can be judged useful for survival.² In any case, the right of nature – now the right to all things – is a major factor in the state of nature being such a miserable condition. As Hobbes says, everyone having the right to everything is useless; it is like having no right at all. So, people will want to give up the right to all things, which is precisely what they do in the social contract.

Moment Two: Rights Transferred and Rights Retained

In *On the Citizen*, chapter 2, “On the Natural Law of Contracts,” Hobbes lays out the ways in which rights get transferred and argues that some rights are impossible to give up. Even though he has not introduced the social contract yet and does not until chapter 5, he is working with that model. Rights that cannot be relinquished ground a political subject’s moral liberty to disobey. The relevant quotation reads:

² While Hobbes explicitly derives the right to everything from natural right in this way, it might also be justified on independent grounds. Johan Olsthoorn (2015a: 19–36) argues that a second argument for the right to everything can be reconstructed from *On the Citizen*, an argument predicated on the natural human equality of right. Taking his cue from Hobbes’s insistence that every person is her own judgment of what is conducive to her preservation and Hobbes’s insistence that “we are equal by nature” (OC 1.9), Olsthoorn fills out the Hobbesian claim that no one can rightfully accuse anyone else in the state of nature. One advantage of this interpretation of the Hobbesian right to all things is that it does not depend on his argument that the state of nature is a state of war.

No one is obligated by any *agreement* he may have made not to resist someone who is threatening him with death, wounds, or other bodily harm. For there is in every man a kind of supreme stage of fearfulness, by which he sees the harm threatening him as the worst possible, and by natural necessity does his best to avoid it; and is understood not to be able to do otherwise. When one has reached this level of fear, he must be expected to look out for himself either by flight or by fighting. Since no one is bound to do the impossible, no one is obligated to accept the *death* with which he is threatened (the greatest harm of nature) or wounds or other bodily harm which he is not strong enough to endure. Moreover, a person bound by an agreement is normally trusted to perform (for trust is the only bond of agreements), but when people are led out to punishment (whether capital or not), they are held in chains or escorted by guards; that is the clearest indication that they are not seen as sufficiently obligated by an agreement not to resist. It is one thing to agree: *If I do not do such-and-such by a certain date, kill me.* It is another thing to agree: *If I do not do such-and-such, I will not resist your killing me.* Everyone makes use of the first mode of agreement if there is need to do so, and sometimes there is; no one uses the second mode, and there is never a need to do so. . . . [T]he commonwealth itself [does not need to] require of anyone, as a condition of punishment, an agreement not to resist, but only that no one protects others. . . . Finally an obligation not to resist is an obligation to choose what will seem the greater of two present evils. For certain death is a greater evil than fighting. But it is impossible not to choose the lesser of two evils. Hence by such an agreement we would be obligated to do the impossible, and that is contrary to the nature of agreements. (OC 2.18)

The main claim here is that you cannot make an agreement not to resist death or bodily harm. Hobbes gives two reasons: You cannot be obligated to do the impossible, and it is never necessary to make that agreement. Much of the force of this argument lies in its symmetry. But these arguments are conceptually and logically independent. The first applies to human beings as such, while the second applies to human beings only insofar as they are subjects of a commonwealth.

There is a clear and crucial connection in this passage to the source of the right of nature discussed above. Hobbes employs the same line of reasoning in which a claim about human psychology leads to a claim about the moral permissibility of certain actions. Any right one retains is a vestige of a right of nature. Since all such vestiges involve self-preservation, we might call them collectively the “right of self-defense.” The foundation of Hobbes’s discussion of political obligation in chapter 6 is built on this limitation on contracts that stipulates that a right of self-defense is inalienable.

Moment Three: Simple Obedience

The right of nature, or what's left of it, appears again in Hobbes's discussion of political obligation in chapter 6, in which he gives an account of what he calls "simple obedience" and presents cases in which subjects have the right to disobey the sovereign's commands. Even as Hobbes repeats the claim that subjects have the right to disobey commands to take their own lives, he adds the argument that subjects have the right to disobey commands to kill their own parents, what I'll call the "parricide command" (OC 6.13). This latter discussion raises a number of questions. First, what does this puzzling example actually refer to? Second, how should we make sense of the argument in this narrow passage? Third, is it a good argument – is it internally consistent? I take each of these in turn.

Because a command to kill one's parents is hard to imagine today, it's important to establish what may have been the discursive context for Hobbes for such an idea. One might think that generally Hobbes's examples bear some relation to a state of affairs that did exist or that had existed at one time. Hobbes had reason to specify that a subject can resist the command to commit suicide, for instance, because classical examples of this command were familiar to him and his readers. The death of Socrates fits Hobbes's description perfectly. The order to drink hemlock was a mandate to commit suicide. Death by one's own hand was an accepted practice in Ancient Greece and Rome. Seneca also famously committed suicide by order of his sovereign, Nero, by slitting his wrist in a bath. So, when Hobbes references commands to commit suicide, he is talking about something that did happen in the past and still existed as a familiar cultural reference, even if it was no longer practiced in early-modern Europe.

Turning now to parricide, what could Hobbes have had in mind?

Contemporary Cases of Parricide?

For an aptly named article, "Imagining the Unimaginable: Parricide in Early Modern England and Wales, c.1600–c.1760," historian Garthine Walker researched almost fifty cases of parricide between 1600 and 1760. Interested in how early-modern England and Wales made sense of parricide, she separates the cases into three categories: children who kill their parents out of insanity, children who kill their parents out of heartlessness, and children who killed their parents because of something their parents did (abuse or arranging of an unwanted marriage, for example). Though

Walker's discussion of parricide in early-modern England and Wales is rich and complex, however, none of the cases she considers match Hobbes's example: in none of these cases was a person *commanded* to commit parricide.

Cases of Parricide from History or Fiction?

As Al Martinich (1999: 7) points out, Hobbes does cite one story involving parricide "more than any other non-Homeric literary work." Pelias was killed by his daughters, who were fooled by Medea into believing that she would revive and rejuvenate him. Hobbes uses this to illustrate the foolishness of sedition. But Pelias's daughters are tricked into parricide, not ordered to it. Clearly, this is not what Hobbes could have had in mind in the passage we are currently considering.

There are classical examples that were considered parricide, even when the subject did not directly commit the killing but was complicit in it. Of Nero it was said: "He began his career of parricide and murder with Claudius, for even if he was not the instigator of the emperor's death, he was at least privy to it, as he openly admitted" (Suetonius 1914: 141). Nero is called a parricide even though he was not the one to carry out the murder. Somewhat similar examples exist, for instance in which a child (or child figure) knows of or arranges the murder of a parent (or parent figure). Even though the act is carried out by someone else, the child is still considered guilty of parricide. These would have been familiar to Hobbes since they can be found in well-known classical sources and various Shakespearean plays. None involve an *order* to commit parricide.

The plot of Thomas Middleton's seventeenth-century play, *The Old Law*, may shed some light here. *The Old Law* was published in 1656 but likely written in the 1610s and circulated and performed in the first half of the century; in fact, there was a performance before the Stuart royal family (Middleton 2010: 45). Set in Ancient Greece, it tells a story of what happens when a law is passed requiring the execution of all men over the age of eighty and women over the age of seventy. The two principle characters, Simonides and Cleanthes, have different reactions to the law. Simonides is pleased, as the death of his father will hasten his inheritance. Cleanthes, though, is horrified and attempts to shield his father from the new law: he fakes his father's death and hides him from the authorities. In the end, it is revealed that the law was a test of the morality of the populace. All the elderly thought to be executed are still alive. And for his actions, Cleanthes gets promoted. Since the characters in this play are

not themselves required to carry out parricide, it is disanalogous to Hobbes's version.

What this brief review of contemporary real cases and historical and fictional cases shows is that parricide was a topic that clearly excited the imagination of Hobbes and his readership. Yet what Hobbes actually describes doesn't fit any of the available narratives of parricide. That lack of fit with current narratives in the society of Hobbes's time is important to see clearly because it suggests his discussion of parricide functions less as a true example and more as a thought experiment.

I contend that the lack of fit is no accident. The case Hobbes describes is a peculiar one in that it involves a number of features that are unusual in combination. There has to be a sovereign who gives a direct order to one of his subjects requiring that subject to personally execute her own parent or face her own death. While there are cases that share *some* of the features of Hobbes's version, there are none that share *all* of them. People kill their own parents out of insanity and anger rather than on command; these are the cases of Walker's research on family murders in the early-modern period. There are cases in which a person plans the murder of a parent by another and cases in which a person leaves the planning to others but knows and keep silent; Nero, as we have seen, was one of these, depending on which version of the tale you believe. There are stories where parents are ordered killed by a political ruler, as in Middleton's *Old Law*; but while the children can attempt to save the lives of their parents, they aren't the ones who are tasked with ensuring their deaths.

All of these stories are interesting to think about in terms of how to apportion responsibility and other questions. But none of them get at the very particular situation Hobbes describes, namely, the position a subject is in when she is given an order to do something she would rather die than do. Although the various cases we have canvassed share some similarities with what Hobbes has in mind, in fact, none has the same combination of factors and so none can serve to help think through the moral issue at hand.

Some of Aristotle's thinking about allocating praise and blame in the context of voluntary if repulsive actions may shed some light on this issue. Hobbes's claims in *On the Citizen* might seem reminiscent of this passage from Aristotle's *Nicomachean Ethics* (III.1, 1110a25):

In some cases there is no praise, but there is pardon, whenever someone does a wrong action because of conditions of a sort that overstrain human nature, and that no one would endure. But presumably there are some things we cannot be compelled to do, and rather than do them we should

suffer the most terrible consequences and accept death; for the things that [allegedly] compelled Euripides' Alcmaeon to kill his mother appear ridiculous.

Hobbes and his readers would have been familiar with Aristotle's work and perhaps the story itself. Most significantly, of the various sources we have surveyed, this passage from Aristotle comes the closest to fitting the description of parricide Hobbes gives in *On the Citizen*. Alcmaeon kills his mother, Eriphyle, at the behest of his father, Amphiaraus, king of Argos. Here notice, however, that while the Alcmaeon case shares almost all the relevant features to the one Hobbes describes – a sovereign orders a person to kill his own mother – it's missing two crucial features. First, Hobbes's emphasis is on a case where a subject *disobeys* the order to commit parricide because she would prefer death. Alcmaeon's example, by contrast, features a person's obeying the order. Perhaps Hobbes doesn't reference Alcmaeon because that story doesn't do the work Hobbes needs from an example.

Second, Amphiaraus's command is driven by revenge: he tells Alcmaeon to kill Eriphyle as a way of avenging his death. In return for the necklace of Harmonia, Eriphyle had betrayed her husband by persuading him to take part in the doomed attack on Thebes. Aware of his wife's treachery, Amphiaraus orders Alcmaeon to kill his mother should he not return. Amphiaraus dies in the attack and Alcmaeon kills Eriphyle. This example, too, fails to conform to Hobbes's criteria. A posthumous command wouldn't be a real command for Hobbes; that is, Alcmaeon wouldn't have been bound by any order given by his dead king.

Given the somewhat analogous examples from classical sources and history that we have considered and found lacking, we can conclude that Hobbes probably did not have a particular case in mind. In my view, he is invoking the example as a *thought experiment*.³ This is, I suggest, crucial to understand the text and also to understand Hobbes's larger philosophical argument and strategy. Thus, a close investigation of the language and argument Hobbes uses in the parricide example may shed light on what he is testing in this example.

One aspect of what Hobbes calls the "simple obedience" of subjects is that it is the greatest obedience that *can be promised*; another aspect is that it is the greatest obedience that *needs to be promised*, and this is the theme

³ One might ask whether or not Hobbes *needs* this case to be purely hypothetical. I don't think so. That is, it is not the case that Hobbes would have had to delete the example if he had found a real-world or literary example that exactly fit the case he described.

I'll be tracing. Hobbes says "To the absolute right on the part of the sovereign ruler corresponds so much obedience on the part of citizens as is essential to the government of the commonwealth, that is, so much as not to frustrate the grant of that right" (OC 6.13). There is a difference between giving the sovereign an unlimited right to command and agreeing to obey all of those commands. He explains that the refusal to obey a command to commit suicide is permitted because "if I refuse, the right of government is not frustrated, since others may be found who will not refuse to carry out the order." What Hobbes insists on here is that we only need to grant as much obedience as the commonwealth needs to function – as much as the sovereign needs to get the things done that he wants done, and that falls short of absolute obedience. The next clause in the sentence just quoted is "I am not refusing to do anything I have agreed to." This shows that he sees the two thoughts as connected – what subjects can resist without subverting government overlaps with what subjects cannot actually agree to do. I can't agree to commit suicide and I don't need to agree to commit suicide because others can kill me.

Hobbes's next step is to extend permissible disobedience from cases in which one's self-preservation is threatened to cases in which one's honor is threatened. He introduces this point saying

Likewise if someone is given order by the sovereign to kill him (i.e., to kill the sovereign), he is not obliged to do so, because he has not agreed to this. Nor is he obliged to kill a parent, whether innocent or guilty and rightly condemned; since a son may prefer to die rather than live in infamy and loathing. There are many other cases in which the commands are dishonorable for some people to carry out but not for others; the former are right to refuse to do them but not the latter; and this will be without prejudice to the absolute right given to the ruler. For in no case is his right of killing those who refuse obedience excluded. (OC 6.13)

It is telling that he begins this part of the discussion by linking the lack of obligation to obey a command to kill a parent to the lack of obligation to obey a command to kill the sovereign.⁴ One is not obliged to kill the

⁴ Note that this is also a case that will never happen. Sovereigns do not order subjects to kill them. Hobbes was preoccupied with a claim that was very common in his time, namely, that it is justifiable to kill a sovereign/ruler. But this wasn't something that happened at the sovereign's behest (especially given the way that Hobbes defined 'sovereign' – proponents of popular sovereignty and delegated and revocable rights to rule like John Milton might disagree). This further supports my claim that Hobbes is treating these cases as thought experiments. One might also wonder about Hobbes's rhetorical strategy in juxtaposing regicide and parricide. Perhaps he was capitalizing on the association of kings with fathers. In any case, he certainly wants to emphasize the subject's refusal in each case.

sovereign on command because one never agreed to do anything that would so profoundly jeopardize peace, and thus his own security.

Hobbes's reasoning for the claim that a subject also has the right to disobey a command to kill a parent is more complicated. He invokes the idea that the subject may feel that the infamy accompanying the life of a parricide would be intolerable and worse than death (he makes a similar observation in *Elements* 17.11 that "life itself, with the condition of enduring scorn, is not esteemed worth the enjoying").⁵ But crucially he also calls attention to the fact that the subject's compliance in this case is unnecessary. The sovereign can achieve the aim of securing the death of the parent by ordering any number of other subjects to do it.

Hobbes's overall project in this part of the text is to analyze the scope and limits of subjects' obligations to obey commands of the sovereign. He repeatedly emphasizes that people *cannot* make an agreement to obey commands to commit suicide or give up the right of self-defense, nor do they *have to* make such agreements. As we've seen, he makes this claim in *On the Citizen*, chapter 2; he repeats it in *Leviathan*, 14.8: 200 and 21.12: 336. They cannot make the agreement because they cannot be trusted to abide by it. They need not make the agreement because someone else can do it. In other words, if the sovereign wants you dead, you do not have to kill yourself; others can easily be found who will do it for you.

Both thoughts are key again in the parricide example. I cannot be expected to commit parricide (because I would rather die than live a life of "infamy and loathing") and I do not need to commit parricide (because someone else can be found to carry out the command). This second thought – that disobedience can be allowed in cases where others can carry out the order – is easy to justify. It follows from the fact that the person to be executed will only be parent to a tiny percentage of the eligible candidates for executioner and so it will be easy to find a substitute.

The first aspect – the intolerability of obedience – merits a bit more explanation. Why is killing a parent so bad that one might think oneself better off dead than doing it? Garthine Walker, mentioned above, explores

⁵ Hobbes was not the only seventeenth-century philosopher to list parricide as something a person could prefer to die rather than do. Samuel Pufendorf ([1672] 1934: 8.1) says, "It must be confessed that there are some actions the care and execution of which a man would rather die than undertake: such as to murder parents or children, to commit incest with a mother or daughter, or to lie with a beast. A small stock of courage would make a man prefer death to the guilt of being an instrument in such actions."

the attitudes people had toward parricide in early-modern England and Wales. Parricide was seen as the most unnatural of crimes, virtually incomprehensible. The law did not recognize it as a separate crime, but some said that was because, as Sir Edward Coke opined in 1628, law-makers could not imagine any person doing such a thing. According to Walker (2016: 273), this thought was “endlessly repeated.” So, the thought that death was preferable to parricide was part of Hobbes’s cultural and intellectual milieu, and his acknowledgment of it makes sense in that context.

It’s worth pausing here, though, to notice how far it seems the right of nature has come from its beginnings. Starting from the blamelessness of death aversion, it has now become the right to avoid dishonor even at the cost of accepting death. Hobbes bridges this gap by positing that the fate of the parricide is a worse fate than death, and so if people have the right to avoid death, they must have the right to avoid a fate worse than death. This demonstrates that the right to disobey a parricide command is part of – or fundamentally related to – the retained right of self-defense. Or at least that the discussion is fundamentally continuous.

If I am correct that Hobbes is not alluding to any particular case in the *On the Citizen* parricide passage – that he is using it as a thought experiment – then it is a bit puzzling when he claims that similar examples abound. Immediately after excusing the son who refuses the command to kill a parent, Hobbes says, “There are many other cases in which commands are dishonorable for some people to carry out but not for others.” What these “many other cases” could be is not entirely clear.⁶ But we can make sense of one thing. If what Hobbes wanted was an example of a command that would be dishonorable for some but not all of the possible people who could carry it out, parricide is extremely apt. If what Hobbes also wanted was an example of a command that would be so dishonorable for those people for whom it was dishonorable that they might rather die than obey it, parricide is even more extremely apt. Indeed, parricide is so fitting of the two conditions that Hobbes wants to illustrate – commands people would rather die than obey and commands that some but not all people would feel this way about – that it is difficult to imagine what else might fall under this category.

An ambiguous and intriguing point lies in the way Hobbes concludes the discussion. He says,

⁶ Arash Abizadeh (2018: 232) has recently attributed to Hobbes an “inalienable right to a life worth living,” which would presumably accommodate all such cases.

But those who do kill in such circumstances are offending against the natural laws, i.e., against God, because although the right to do so has been given them by one who has that right, nevertheless they are using it contrary to the requirements of right reason. (OC 6.13)

This sentence can be read in two ways. First, one could think that “those who do kill” refers to sovereigns who indeed carry out death sentences against subjects that disobey such dishonorable commands. Hobbes is clear that sovereigns have this right and that the justifiability of the disobedience to their commands does not in any way impinge on the right they have to punish such disobedience with death. S. A. Lloyd interprets the passage along these lines in Chapter 3, arguing persuasively that natural law protects what she calls “self-admiration.”⁷ On this interpretation, sovereigns who legitimately punish disobedient subjects are themselves violating natural law, offending God, and using their right to punish “contrary to the requirements of right reason.”⁸ A command that unnecessarily requires a subject to do something which will ruin her life is a command that violates natural law. Hobbes says in *Leviathan* that sovereigns should pass laws that are “Needfull” (L 30.20: 540), and the command to execute one’s own parent, when someone else can easily be found to do it instead, is by definition not “Needfull.” The sovereign who forces a subject to execute her own parent is simply cruel. An interpretation where the subject of the sentence is *the sovereign giving the order* makes this the only place in Hobbes’s corpus where he explicitly condemns a sovereign for punishing permissible disobedience.⁹

Second, one could read the passage as implying that the subject ordered to kill a parent not only has the right to disobey the command but *should* disobey it. On this interpretation, “those who do kill” refer to subjects who obey orders to kill a parent, and what Hobbes is saying is that those subjects violate natural law and offend God. This is true even though they have been given the order by the sovereign who has the right to kill the parent (or whoever he wants for that matter). What Hobbes is describing here is a situation where a subject can and should disobey. However, in other cases, though he may insist on the moral permissibility of disobedience, he doesn’t say that you should disobey. An interpretation where the

⁷ Special thanks to Sharon Lloyd for a useful discussion of the interpretive questions raised by this passage.

⁸ Note that in Lloyd’s interpretation, the subject who obeys such a command is absolved of moral responsibility. See her account of the “hierarchy of responsibility” (Lloyd 2009: 281–7).

⁹ Of course, there are other places where Hobbes criticizes sovereigns’ conduct. Indeed, in the very next chapter, he says sovereigns can “sin against natural law” (OC 7.14). My point here is that this is the only place he criticizes a sovereign for punishing legitimate disobedience.

subject of the sentence is *the person receiving the order* makes this the only place in Hobbes's corpus where he explicitly condemns someone for not exercising their right to permissible disobedience.

The sentence of text in question is genuinely ambiguous, so it is impossible to know with any certainty what Hobbes meant. However, it's worth noting that on either interpretation, Hobbes connects a natural/divine law violation to parricide, whether in the committing of it or the punishing of its refusal. This requires explanation. Why is parricide so horrendous as to deserve this treatment?

Hobbes's account here seems to rest on a presumption that parricide constitutes an independent wrong. But what could that wrong be and how can Hobbes justify it? Perhaps we can conceive of it as a violation of the law of nature requiring gratitude. Hobbes thinks people have natural law duties to honor and obey their parents out of gratitude for the care and protection given to them in childhood. Perhaps it is a violation of the fourth commandment requirement to honor thy mother and father. Any of these in isolation or together would explain not only the incredibly strong social stigma attached to the killing of a parent but also Hobbes's claim that it is wrong either to order parricide or to obey such an order.

Interestingly, Hobbes does not avail himself of any of these lines of reasoning in the text. His discussion of the right to disobey a parricide command never explicitly or implicitly invokes natural law duties of gratitude or religious observance of the ten commandments, despite the fact that both lines of reasoning would have helped his argument. Instead he appeals only to the intense social stigma which would attend the life of a person known to commit parricide in order to make the case that subjects could not have made an agreement to suffer such a fate worse than death. But if this is his only argument, his account is unsatisfactory. After all, a couple of pages earlier, Hobbes insists that the sovereign dictates what counts as honorable and dishonorable and this is a constant claim in his political philosophy (OC 6.9). But if that's true, can't the sovereign simply dictate that it isn't dishonorable to kill a parent as long as it's at her command? Hobbes doesn't seem to think so but he doesn't explain why not. In any case, his account depends on parricide being dishonorable in a way that even the sovereign cannot mitigate, and he does not explain or defend the idea that parricide is an objective wrong.

Even if we could iron out the interpretive questions and grant Hobbes a firm foundation for his parricide example, it reveals a more troubling tension in his philosophy as articulated in *On the Citizen*. That tension arises from a potential conflict between two principles.

In terms of the general question of political disobedience, the most significant takeaway from this discussion for my purposes is a certain kind of overlap or symmetry. When a subject can justifiably disobey the sovereign is determined by two principles – when the subject cannot be understood to have agreed to X (death, a fate worse than death) and/or when the obedience of the subject is unnecessary to the goals of sovereignty. This is simple obedience: the most obedience people *can* give and the most obedience that people *have to* give are the same; they are coextensive. In this respect, Hobbes pretty clearly has what we might call a “convergent account of political obligation.”

However, although the two principles he invokes to explain the justifiability of disobedience in *On the Citizen* overlap, they need not. That underlying potential tension is what I’ll turn to next.

Since Hobbes invites the reader to think in terms of unlikely but philosophically useful situations, I think we can introduce some other examples. Imagine a case in which a subject is ordered to kill a parent and only she can carry out the order. Perhaps the fact of the relationship gives the person special access to the parent, such that other subjects would not be able to carry out the execution. In the recent *Star Wars* movie, *The Force Awakens*, Kylo Ren’s murder of Han Solo fits this description. Because he was Han Solo’s son, Kylo Ren was the only one able to get close enough to Solo to kill him.

This reveals a fundamental tension or unaddressed question in Hobbes’s theory. It is impossible to expect people to face death, and even more impossible to expect them to face a fate worse than death – this is the claim of the passage. But if there is a special situation where obedience is required because it is the only way the sovereign’s order can be carried out, then it seems that obedience is both required and impossible to expect. Nor does Hobbes have a meta-principle to adjudicate between these two principles. Nothing in *On the Citizen* indicates how to pick one over the other if they come into conflict. If Kylo Ren’s sovereign had ordered him to kill Han Solo, it seems like Hobbes’s position as articulated in the passage we’re discussing is that Kylo Ren is both permitted and not permitted to disobey. He *is* permitted to disobey because he can’t be understood to have agreed to do something which would make his life intolerable, worse than death; and he *is not* permitted to disobey because he is the only one who can carry out the command.

An actual case in which a sovereign requires the obedience of one subject in particular is not so difficult to imagine. Consider the beheading

of Charles I. Though the executioner's identity is a matter of much debate among historians, according to one account, the executioner was most likely Richard Brandon.

While this act was not parricide, it seems to have been seen as very dishonorable. Simply being an executioner was dishonorable, as Hobbes himself says in *Leviathan*. But being the executioner of a king, thought by many to be the Lord's anointed, was an especially loathsome role. To protect his anonymity, the face of Charles I's executioner was hidden behind long wigs, fake beards and a hood, and people were sworn to secrecy about his identity. Finally, the executioner did not shout the customary "Here is the head of a traitor" so no one could recognize his voice. There is also evidence of a backup in case the executioner refused at the last minute. Such precautions suggest there was some doubt that Cromwell's execution command would be followed.

Historian Geoffrey Robertson (2006) argues the executioner was Brandon because "Cromwell's objective was to stage an execution that conformed to tradition and which would go off without a hitch." As the customary executioner, Brandon would have been able to sever a head with skill, cleanly and in one blow. Cromwell did not want a repeat of the messy execution of Mary Queen of Scots, grandmother to Charles I. A traditional and clean execution might limit the fallout from the regicide and thus help foster the peace and security of the commonwealth. This historical case is interesting to think of in light of Hobbes's thought experiment. Grant that Cromwell is the sovereign and that Brandon alone could do the job in the way the sovereign wanted. We know that whoever did the execution was a professional, as evidenced by his tucking the hair of the condemned into his cap, his bending down to receive forgiveness, and the fact that later exhumation of body proved the spine was severed with a single blow.

However, it seems clear that being the executioner of Charles I was a job Brandon worried would tarnish his reputation so badly that he disguised himself. Further imagine that Brandon thinks the job utterly hateful and that whoever killed the king risked living a life of "infamy and loathing." Did Brandon, according to Hobbes's account, have the right to disobey? What if he preferred death to the dishonor of regicide?

Of course, Hobbes would not have known about this case when he was writing *On the Citizen* since it was finished years before Charles I's trial and execution. I present the story to show that it is not outside the realm of possibility that a subject would be uniquely qualified to commit an abominable act that did not threaten her life or limbs. So, the problem remains that what a person might be required to do and what she can agree

to do are not necessarily coextensive, and Hobbes in *On the Citizen* gives us no guidance with which to navigate a potential conflict.¹⁰

Perhaps some insight can be gained by examining the trajectory of these ideas in Hobbes's work beyond *On the Citizen*. In this regard, we can see how the parricide example gets replaced in *Leviathan*. There he also wants to make the point that some commands will be very difficult for some people to obey and that their obedience is not required because others can do it. He says that if the sovereign commands you to serve in the army, you do not have to go as long as you can provide a substitute to take your place (L 21.16: 338–40). As in *On the Citizen*, he makes the point that disobedience does not interfere with the realization of the sovereign's will and, while it is morally excused, it is still punishable by death. Thus, I submit that Hobbes replaced the parricide example in *On the Citizen* with the substitute soldier example in *Leviathan*, which was written almost a decade after the first edition of *On the Citizen*. The substitute soldier is presented in such a way that it serves the same logical and argumentative purposes as the parricide example in Hobbes's larger argument about authority and obedience. As Hobbes's thought develops over time, he leaves the parricide example behind.

This contention is further supported by the apparent recanting of the parricide example in *Behemoth*. There he explicitly says that if the sovereign passes a law dictating that fathers must be executed by their own sons, that law must be obeyed. He also says that we need not consider this case much because no sovereign would do such a thing (B 51; for discussion see Dyzenhaus 2012). Both moves directly contradict his account in *On the Citizen* where the parricide-ordering sovereign is presented as possible. Indeed, he offers it as an instantiation of a phenomenon that he claims is common, namely, orders that are dishonorable for some but not all to carry out.

It is too easy, however, to simply say that Hobbes changed his mind about the case. It well may be that he changed his mind, and, without that vivid example of parricide, the reader is perhaps less likely to wonder about the potential conflict between the various principles Hobbes uses to justify disobedience. Nevertheless, that philosophical issue remains unresolved.

¹⁰ Lloyd (2009: 30) offers an interpretation of Hobbes on this point saying, "In general, Hobbes argues, it is unreasonable to fault any person for refusing to do what he would rather die than do, at least when the state is granted authority to kill the disobedient, and the job is either unnecessary for the survival of the commonwealth, or others may be found who can do it." I think that this is correct as a reading of Hobbes's view, but it doesn't answer the question of whether a subject can be faulted for disobeying a command to do something he would rather die than do when others *can't* be found to do it.

(As a side note, I think that there are lessons we can learn from this exercise. Hobbes seems to face difficulty with certain kinds of cases, in particular non-preservation related cases: cases of disobedience where the disobedience cannot be reduced to protection of one's own life and limb. This comes up with protecting one's honor and protecting one's family or those close to you. But what Hobbes does in the face of these difficulties is recommend that the sovereign not put people in the position where they have to make such choices.)

To evaluate the nature and seriousness of this unresolved issue for Hobbes, a helpful place to begin is by noticing some general features of Hobbes's account of political obligation. There is no doubt that justifying political obligation is a project – if not *the* project – in all of Hobbes's works of political theory. In *On the Citizen's* "Preface to the Readers," he describes the whole point of the work as occasioned by "questions of the right of Government and of the due obedience of citizens" (OC Pref. 19). *Leviathan* concludes with the statement that its goal was "to set before mens eyes the mutuall Relation between Protection and Obedience" (L R&C.17: 1141). To this end, Hobbes is concerned to identify cases in which subjects are permitted to disobey the commands of the sovereign, often referring to certain kinds of examples, namely, rare situations that will never or almost never arise. Further, Hobbes's discussion doesn't seem to have been inspired by historical or fictional cases of this command. This chapter's examination of historical or fictional cases demonstrated that none fit the description Hobbes gives of justified disobedience to a parricide command. Clearly, these examples are not in the text primarily as practical guidance for common events. Rather, they demonstrate Hobbes's interest in the boundaries of political obligation, and one of his strategies for testing those boundaries is to consider examples that border on the hypothetical or the thought experiment, as limit cases. As thought experiments, such examples provide Hobbes with a way of getting at the philosophical questions about the limits of political obligation. Even that attempt creates loose ends that remain untied.

The tension I have identified here remains unresolved in Hobbes's theory. However, it is important to note that it exists on a purely theoretical level. In practice, the situations that will be problematic – cases in which a subject is required to both obey and disobey – won't occur in a well-governed commonwealth. Insofar as Hobbes's philosophy has as its stated goal practical political guidance, perhaps that was the point all along.

Motivation, Reason, and the Good in On the Citizen

Michael LeBuffe

On the Citizen offers a strong, controversial account of the relation between human nature and value. Put briefly, in that work Hobbes maintains that right reason – the ability to reason correctly and to know when one does – is part of human nature. Reason is the same faculty whether we apply it to theoretical or to practical questions. Therefore, just as when we reason rightly about triangles we come to know the Pythagorean theorem, so when we reason rightly about action we come to know what right action is. A part of human nature, in this way, leads us to knowledge of right action. In this chapter, I will describe this account of human nature and value, which holds independent interest, and I will argue that – whatever its appeal – Hobbes did not hold it sincerely.

Instead, the theory of right reason in *On the Citizen* is, most likely, a convenience. It is Hobbes's way of making an abbreviated and hastily prepared version of his argument seem plausible. If this is correct, Hobbes's insincerity should not change the way in which we understand *On the Citizen*. The text means what it means regardless of why Hobbes wrote what he did. However, scholars have frequently relied upon *On the Citizen* as a resource for understanding Hobbes's considered view about the relationship between human nature and value and, in particular, Hobbes's considered view about right reason (see Gert 2001; Kavka 1983, 1986: 338–41; Rogers 2004). If I am correct that the theory of right reason in *On the Citizen* is insincere, this reliance is misplaced. *On the Citizen* does not offer a clearer version of the doctrine of Hobbes's other works. It offers a different and more simple doctrine.

I will open with an argument that the hurried publication and subsequent revision of *On the Citizen* raise questions about the interpretation of its doctrines of motivation and the good. The second section is an account of the work's descriptive moral psychology: the source in passion and deliberation of the judgment that something seems good or bad. I argue that Hobbes's uses of many psychological concepts, although notably not

reason, in *On the Citizen* are consistent with well-developed accounts in *The Elements of Law* and *Leviathan*. Finally, the third section here describes the derivation of natural right and natural law from right reason in *On the Citizen*. These are distinctive and interesting parts of the text. I argue, however, that the doubts raised in the first section apply clearly to this use of right reason in *On the Citizen*. Whatever their interest, there is good reason to conclude that these are not Hobbes's considered views.

Circumstances of Publication

In the systematic structure of the “Elements of Philosophy,” *On the Citizen* is the third part, following *On Body* and *On Man*. Nevertheless, in 1642 Hobbes published – perhaps circulated is a better description given the very small number of copies produced – *On the Citizen* as a self-standing argument. He did so again, in a more widely available edition with revisions and substantive notes added, in 1647.¹ As Hobbes writes in introducing the second edition, he had originally intended to offer accounts of “imagination, memory, understanding, reasoning, appetite, will, Good, Evil, Moral and Immoral” in the second part of the “Elements of Philosophy,” that is, in *On Man*. Urgent questions about “the right of government and the due obedience of citizens” at the time (civil war between the Royalists and Parliamentarians in England broke out in 1642) made him decide, however, to push ahead without the first two parts of the systematic work (OC Pref. 19). So those accounts were, after all, not included in the published work.

A list that is only slightly different may be found at the beginning of the formal presentation. Chapter 1 of the 1642 edition begins, “In the previous section the whole of human nature has been described, comprising the faculties of both body and mind; they may all be reduced to four *kinds*; which are, Physical force, Experience, Reason, and Passion.” There was, however, no “previous section” – no *On Man* – yet produced. In the 1647 edition Hobbes corrects the reference: “*The faculties of human nature may be reduced to four kinds: Physical force, Experience, Reason, Passion.* They are the starting point of the doctrine which follows” (OC 1.1).² The hurried publication of *On the Citizen*, then, required Hobbes to present

¹ See Baumgold and Harding (Chapter 1) for a more detailed account of the publication of *On the Citizen*.

² Tuck and Silverthorne have supplied the 1642 variant in a footnote to the same passage.

his political views in a manner that is more independent of his moral psychology than he had envisioned.

This feature of the text raises two problems for a discussion of motivation and the good. First, it suggests that the items in these lists – whatever their importance to the work's arguments – do not receive a full and systematic treatment there. A brief comparison of the contents of Hobbes's works serves to make this point. Both *The Elements of Law*, finished in 1640, and *Leviathan*, published in 1651, begin with chapters dedicated to human nature, including sense perception, imagination, reason, and passion, which incorporates foundational accounts of good and evil (EL chapters 2, 3, 5 7, 9; L chapters 1, 2, 5). *On the Citizen*, however, begins with “On the state of man without civil society”; “On the natural law of contracts”; and “On the other laws of nature.” These chapters have similar titles – and many similar discussions – to later chapters of Hobbes's other works (EL chapters 14–16; L chapters 13–15). *On the Citizen* lacks, then, most of the account of human nature that Hobbes envisions in his system, including those parts that introduce reason, passion, good, and evil.

These concepts do of course enter substantially into *On the Citizen*. However, as Hobbes writes in opening the book, human nature is his starting point rather than his subject. A student of motivation and the good in *On the Citizen* must rely, then, on the uses to which Hobbes puts the relevant concepts in discussions of the laws of nature, politics, and religion.

A second issue the hurried publication of *On the Citizen* raises is that of the sincerity of the accounts of motivation and the good there. The fact that the publication was hurried alone does not give readers any special reason to question Hobbes's commitment to the doctrines. It is perfectly plausible to think that a book that is published quickly nevertheless expresses the author's considered convictions – at the time of publication, at any rate – about the subject matter. Nor does the fact alone that the work is only part of an envisioned system necessarily suggest that Hobbes has offered arguments that are abbreviated or distorted. Indeed, Hobbes explicitly defends the independence of *On the Citizen*. He acknowledges that he has put the other parts aside, “and hurried on to the completion of this third part,” but suggests that doing so does not hurt his argument: “I saw that it did not need the preceding parts, since it rests upon its own principles known by reason” (OC Pref. 19).

Hobbes's correspondence with Samuel Sorbière concerning the preparation of the 1647 edition, however, does give us reason to question the sincerity of this remark as well as Hobbes's commitment to the

independence of the work. Chapter 5 of the 1647 edition begins, “It is self-evident that men’s actions proceed from their wills and their wills from their hopes and fears; hence they willingly break the law, whenever it seems that *greater good* or *lesser evil* will come to themselves from breaking it” (OC 5.1). The passage reflects Hobbes’s instructions to Sorbière: “At the beginning of Chapter 5, for the words, ‘As has been shown in the preceding section,’ these can be substituted: ‘It is self-evident that’” (C 131, my translation). The instruction shows that Hobbes thought, quite rightly, that these doctrines require discussion and defense but that, in the rush to publish, he nevertheless settled for something different from and worse than his considered view.

The “preceding section” (*sectione praecedente*) Hobbes mentions in his letter to Sorbière is *On Man* (*De Homine*). It is clear that Hobbes does not mean one of the preceding parts of *On the Citizen* itself because in the same letter he refers to such a part as a “chapter” (*caput*) or “article” (*articulus*), not as a “section.” As we have seen, the 1642 edition of *On the Citizen* begins, similarly, with a reference to the “preceding section.” In both of these passages, then, the 1642 edition of *On the Citizen* includes a reference to doctrines of other parts of the “Elements of Philosophy.” These references show that Hobbes conceived of the third part as drawing upon those earlier parts in 1642. In preparing the 1647 edition, Hobbes noticed the slips and, rather than showing the doctrines to be true as he had meant to do, simply declared them “self-evident.”

Although Hobbes writes that it is self-evident that actions proceed from wills and wills from hopes and fears, he did not really think that this is true. He really – and correctly – thought that these doctrines require definitions, discussion, and argument.³ The evidence is not so clear and decisive in other cases. Nevertheless, because there is clear evidence that Hobbes was willing in some cases to write something other than what he thought in *On the Citizen*, there is also more reason than there would otherwise be for reserving judgment about Hobbes’s commitment to other views in the work. This point matters particularly to the discussion of the topics of this chapter. The considerations that lead Hobbes to assert that his views are

³ Works published in the 1650s do include claims (L 1.3: 18 and DCo 6.7) that we can know by introspection some of the things that the 1647 edition of *On the Citizen* declares to be self-evident (*manifestum est per se*). This observation does not seem relevant to the present case, where Hobbes, without explanation or justification, changes the claim that he has *shown* these doctrines to the claim that they are *self-evident*. Moreover, there is a significant question whether it means the same thing for Hobbes to say that something can be known by introspection or by observing one’s own experience, on the one hand, and for him to say, on the other, that it is self-evident.

self-evident in chapter 5 apply to doctrines that he ought to have discussed in a preceding section, and these include his theories of motivation and the good. Indeed, both the Preface discussion and the chapter 5 passage refer to central concepts of these theories.

How to express this reservation is a difficult question. There is no way to know with certainty which doctrines do and which do not really reflect Hobbes's sincere convictions. I will nevertheless suggest a rule of thumb: where a doctrine of *On the Citizen* varies from systematic discussions of the same topic by Hobbes that were written both before and also after *On the Citizen*, there is a strong reason to think that it is not Hobbes's sincerely held view. It would be hasty to conclude that any doctrinal departure from *The Elements of Law* in *On the Citizen* is an instance of some kind of insincerity. Authors' views develop over time, so we frequently have good reason to assert that Hobbes simply arrived at different views about some issues in different works. However, Hobbes also published a version of his political philosophy, *Leviathan*, shortly after he published *On the Citizen*. It is possible, of course, for an author to hold a view, change the view, and then return to the original view later. Such changes, however, are far less likely than a continuous development of views. The presence of a single view in both *The Elements of Law* and *Leviathan* that differs from a doctrine of *On the Citizen* therefore suggests that the doctrine of *On the Citizen* is not sincerely held and that Hobbes asserts it in order to make the work seem to be self-standing. Such a suggestion will be reinforced wherever the doctrine in question arises most explicitly in Hobbes's systematic thought before the central topics of *On the Citizen*. The doctrine of right reason meets both criteria. Here I will present that doctrine, which holds interest for our understanding of *On the Citizen*. I will also raise the question, however, of whether the position in question is sincerely held.⁴

Motivation and Seeming Good: Descriptive Accounts

Hobbes's description of human action and value judgment may be broken into three parts: an account of passion, the motion in a body that can lead to action; an account of deliberation, the process by which a particular passion becomes the immediate cause of action; and an account of reason and value ascription, distinctively human linguistic elements of practical

⁴ In this volume, Holden (Chapter 9) develops an interpretation of honor that follows something similar to the rule of thumb described here.

reasoning. All of these subjects arise, in Hobbes's systematic thought, prior to the subject matter of *On the Citizen* and are therefore its starting point rather than its subject. Each subsection here begins with a summary of Hobbes's accounts of the relevant concepts drawn from *The Elements of Law* and *Leviathan* before turning to significant applications of the same concepts in *On the Citizen*.⁵ The consistency of Hobbes's use suggests, for most cases, that it is useful to consult his other works for detailed accounts of concepts invoked but not fully discussed in *On the Citizen*.

Passions

In *The Elements of Law* and *Leviathan*, a passion (*affectus*) is a “small beginning of motion” in a human being either toward or away from some external object (EL 7.5; L 6.2: 78–80). Hobbes's psychology is hedonistic in a sense: because the experience of a passion toward something is “pleasure” (*jocundum*) and the experience of a passion away from something is “displeasure” (*moleustum*) we are only attracted to (or averse to) what we find pleasant (or painful) (EL 7.2; L 6.10: 82). Desire (*appetitus* or *cupido*) and aversion (*aversio*) do not differ in kind from passion. Indeed frequently we can use one term or another to suit our purposes. For example, I may call my passion for gold, “hope,” when I want to emphasize my own state of pleasure in anticipation; I may call the same passion a “desire” for gold when I want to emphasize the end and its prospective effect on my behavior (EL 7.2; L 6.13: 84).⁶ Because the objects that we encounter can vary widely, the objects that we subsequently find attractive or repulsive can also vary widely. Although we do differ in temperament, because human beings are physiologically similar, presumably, the passions themselves that dominate us do not vary as widely (EL 7.9; L Intro.3: 18). Prominent passions include fear (*metus*), glory (*gloria*), and hope (*spes*).

At the general level, *On the Citizen* offers an account of the passions that is similarly hedonistic. Hobbes writes, for example: “what is sought in every society is an Object of will, i.e. something which seems to each of the members to be Good for himself. Whatever seems Good is pleasant” (OC 1.2). Anything that we want, we find to be both good and pleasant. It seems reasonable to conclude that, on the other hand, anything that we are

⁵ Because *On the Citizen* is a Latin work and the other works are English, I have supplied the Latin equivalent of English terms wherever Hobbes himself usually took the terms to be equivalent. For this purpose, I have consulted the Latin *Leviathan*.

⁶ The point that each passion may also be called a desire is also clear from Hobbes's various definitions of the passions at EL chapter 9 or L chapter 6.

averse to we find to be both evil and unpleasant. Indeed, where Hobbes offers accounts of evil, he suggests that human beings by nature seek to minimize it and therefore that ours is a maximizing hedonism: “it is impossible not to choose the lesser of two evils” (OC 2.18; cf. 5.1 and a qualification at 3.32). This passage suggests – and we will see that this suggestion is reinforced by Hobbes’s account of the place of reason in deliberation – that we always do what we think will yield the most good (or pleasure) or the least evil (or pain). Typically, as in this passage, Hobbes emphasizes good and evil rather than pleasure and pain. Therefore this hedonism should not be understood to be an account of our conscious states: although you may rely upon it that I will always choose what to me promises the least pain, you may not rely upon my choice to act depending upon, or even including, my conscious conclusion that the action promises the least pain. Hobbes seems to regard human practical reasoning as more explicitly concerned with good and evil.

The doctrine on which “desire” is a label that we use for our passion when considerations require it, that is, on which desire is the same thing as passion rather than a variety or effect of it, is an appealing account. There is no direct assertion of a similar view in *On the Citizen*. A notable passage in the Preface to the 1647 edition suggests that Hobbes takes desire to be a variety of passion: “it must be admitted that men can have desire [*cupiditatem*], fear, anger and all the other animal passions by nature...” (OC Pref. 13)⁷ Other uses of “desire” and related terms are consistent with the doctrine of Hobbes’s other works: it seems that any passion might be a desire in the sense that it might lead to action. The text of *On the Citizen* does not offer decisive evidence, however.

On the Citizen offers an account of the variety of human ends that is similar to that of *The Elements of Law* and *Leviathan*:

Men’s desires differ, as their temperaments, habits and opinions differ; one may see this in the case of things perceived by the senses, by the taste, for instance, or by touch or smell, but it is much more so in everything to do with the ordinary actions of life, where what one man *praises*, i.e. calls *good*, the other *abuses as bad*; indeed the same man at different times *praises* or *blames* the same thing. (OC 3.31, cf. EL 17.14, L 15.40: 242)

⁷ It is not straightforwardly wrong to render *cupiditatem* as “greed,” which is Silverthorne’s choice. However, Hobbes also uses the terms *avaritiam* (OC 3.26) and *libido* (OC 13.16), and Silverthorne renders these terms “greed” also. In order to maintain Hobbes’s distinct uses, the terms ought to be translated by different English terms. “Desire” is best for *cupiditatem*. In *Leviathan*, Hobbes frequently takes the closely related term, *cupido*, as “desire” (as at L 6.2: 78) and he seems not to distinguish *cupido* from *cupidas* (as at L 6: 94–5 and frequently in chapter 11).

Temperaments vary: one person may be more motivated by glory, for example, and another by fear. Present sensation and past experience can exacerbate this natural source of difference, however, and this is the principal source of our differences. The natural variety of passions themselves is limited. Hobbes's lists of prominent passions in his works are similar. Fear is the dominant passion in Hobbes's accounts both of the causes of commonwealth and the causes of conflict. In a list of typical passions in his account of what can prevent a person, momentarily at least, from knowing the laws of nature, Hobbes includes hope, fear, anger, ambition, greed, and vainglory (OC 3.26). In a similar list, in his account of the passions influenced by eloquence, Hobbes includes hope, fear, anger, and pity (OC 12.12). Because any of these passions can attach to a variety of objects, however, we can have very different desires. That variety, in *On the Citizen* as it is in Hobbes's other works, is a fundamental problem that society and a good sovereign can, and must to a certain extent, mitigate.

Deliberation

Hobbes maintains in *The Elements of Law* and *Leviathan* that our passions weigh against one another in deliberation (*deliberatio*) (EL 12.1; L 6.49: 90). Deliberation need not be linguistic. Where deliberation is linguistic, however, it may also be reasoning, and a hallmark of reason is consideration of the sorts of effects that certain actions are likely to have (L 6.57: 94). So understood, practical reasoning is a process by which our understanding of the consequences of actions contributes to the weighing of passions against one another, presumably by influencing the passions themselves. When, finally, the process of deliberation yields a single passion sufficiently potent to cause action, that passion is a will (*volantis*) (EL 12.2; L 6.53: 92).

“Deliberation,” understood as an individual person’s decision-making in *On the Citizen*, has two substantive uses. (Many other uses of the term describe decision-making by groups of people, evidence of the extent of the resemblance between individuals and commonwealths.) Although neither is an account of deliberation itself, both are consistent with accounts of deliberation in other works. The first arises in the context of the discussion of covenant in chapter 2: “[Covenants] are made only about actions which are susceptible of deliberation; for a [covenant] requires the will of its maker and will is the final act of deliberation” (OC 2.14; cf. EL 16.18;

L 14.24: 212).⁸ Hobbes clearly regards deliberation here as the process that leads to action, and he makes the will the end of deliberation as he does in his other works.

The second relevant use occurs near the end of Hobbes's account of the sovereign's duties in chapter 13, where he suggests that punishment ought to suit human psychology:

[T]he purpose of punishment is . . . to make [a person's will] what he who fixed the penalty desires it to be. Now deliberation is simply weighing up the advantages and disadvantages of the action we are addressing (as on a pair of scales) . . . If the penalty which a legislator attaches to a crime is too small to make fear weigh more heavily than greed, the legislator, i.e. the sovereign, is responsible for the fact. (OC 13.16)

As an account of punishment, this passage is distinctive. The parallel discussion in *Leviathan* (L 30.23: 542–4; cf. EL 28.6–7) offers a more detailed, perhaps different, account of punishment's purpose and does not mention deliberation. Nevertheless, the conception of deliberation present in this passage is the same as that of *Leviathan*. A prospective criminal's passions, fear, and greed weigh against one another. Thus, if the sovereign has badly judged the punishment such that my greed for the publican's money outweighs my fear of punishment, my deliberation will end with a will to steal the money and the act will follow.

Reason and the Designation of Value

Hobbes's descriptive accounts of reason in *The Elements of Law* and *Leviathan* differ, with the puzzling emphasis on addition and subtraction that marks *Leviathan* all but absent in the earlier work.⁹ Nevertheless, there is a degree of continuity. In both works, the use of reason (EL 5.4; L 5.1–2: 64) and the designation of value to our ends (EL 7.3, 7.8; L 6.7: 80–2) are distinctively human characteristics because they involve the sophisticated use of language. Reason is the reckoning of consequences of general names (L 5.2: 64) or the construction of syllogism (EL 5.11). The designation of value is calling some end that one desires (or is averse to) "good" (or "evil") (EL 7.3; L 6.7: 80–2). Thus, human deliberation about action typically involves both reason and the designation of value. Good and evil consequences of various actions enter into the weighing process (EL 12.2; L 6.49: 90), and all of the consequences of a given action

⁸ I use "covenant" here, as Hobbes himself does, for *pactum*. Silverthorne uses "agreement."

⁹ Hobbes does emphasize the human use of numbers in reasoning at EL 5.4.

that we can foresee matter to the apparent value of the action (EL 17.14; L 6.57: 94).

Passages in both works suggest some opposition between reason and passion, although Hobbes's view of the relation evolved. The letter dedicatory of *The Elements of Law* opens with an extended discussion of reason and passion, suggesting that the reason leads us to agreement and passion to conflict. This opposition is present in *Leviathan*, where Hobbes writes that our passions are commonly more potent than our reason (L 19.4: 288). There, however, Hobbes permits no moments free from passion; suggests that passion can either interfere with or contribute to rationality; and consistently emphasizes the importance, especially, of fear for peace. *Leviathan* certainly suggests that passions can be dangerous, but, following reason against the influence of passion altogether, is not possible. Rather, the aim is to follow the right passions and, most important, to attach the right ends to the right passions, an emphasis that is most evident in the tribute to Sydney Godolphin at the end of the work (L R&C.4: 1133).

Some descriptive accounts of reason in *On the Citizen* similarly emphasize the linguistic nature of reason:

True Wisdom is simply the knowledge of truth in every subject. Since it derives from the remembrance of things, which is prompted by their fixed and definite names, it is not a matter of momentary flashes of penetrating insight, but of right Reason, i.e., of Philosophy. (OC Ep. Ded.4)

Reason reaches the same conclusions from the actual definitions of *Will*, *Good*, *Honour*, and *Interest*. (OC 1.2)

... questions of human knowledge, whose truth is drawn out by natural reason and Syllogisms from human agreements and definitions (i.e. from the meanings of words accepted by common use and consent). (OC 17.28)

Each of these passages makes reasoning a linguistic activity. Each is consistent with Hobbes's other accounts of reason, with the possible exception of Hobbes's invocation of right reason in the Epistle dedicatory.

To turn to value, Hobbes frequently writes straightforwardly about goods and evils in *On the Citizen*, and this fact raises the question of whether he defends in this book a doctrine on which, as in his other works, an account of the use of value terms precedes and constrains an account of value. On my view, it does. Hobbes's frequent references to good or evil acts, men, and so on in *On the Citizen* reflect the place of that work's subjects in the structure of his argument: the definitions of "good" and "evil" naturally arise before the arguments of the book. Some evidence that

the doctrine is nevertheless the same may be found in occasional references to the linguistic nature of value attribution, as at OC 3.31: “One must recognize that *good* and *evil* are names imposed on things to signify desire for or aversion from the thing named.” His account of human nature likewise includes the linguistic nature of value attribution, as well as the place of such attribution in deliberation: “Human nature is such that each man calls what he wants for himself *good*; what he avoids, he calls *bad*; because men’s passions differ, what one calls *good*, another calls *bad*; the very same man will now call one thing *good* and at another time *bad*” (OC 14.17; cf. L 15.40: 242). This passage shows that Hobbes conceives of the good in the first instance as a name that we give to the objects that we want. It suggests that reason and value attribution enter into deliberation on the account of *On the Citizen* in the same way that they do in the other works. Reason has a role in my deliberation whenever I think linguistically about the consequences of different actions, and deliberation issues in a will to perform that act that promises the greatest good or the least evil.

While the account of deliberation itself in *On the Citizen* is similar to that of *The Elements of Law* and *Leviathan*, other elements of the account of reason may be foreign to those works. First, *On the Citizen* emphasizes an opposition between reason and passion. For example, in a complex passage, Hobbes denies rationality to infants:

[Infants] are not to blame, and are not evil, first, because they cannot do any harm, and then because, not having the use of reason, they are totally exempt from duties. If they continue to do the same things when they are grown up and have acquired the strength to do harm, then they begin to be evil and to be called so. Thus an evil man is rather like a sturdy boy, or a man of childish mind, and evil is simply want of reason at an age when it normally accrues to men by nature governed by discipline and experience of harm. (OC Pref. 13)

The familiar view of *Leviathan* on which infants lack reason because they lack speech offers an interpretative option for the first sentence here that is initially appealing. The subsequent sentences are problematic for that interpretation, however. Hobbes writes that a man can be called “evil” where a child cannot because he has the power to harm that the child lacks, not (or not only) because he has speech. Moreover, Hobbes writes that the man lacks reason. That assertion distinguishes the question of who possesses reason from the question of who possesses speech. It seems that Hobbes’s view about reason is really a question here of one’s command over passion. Infants have no reason because, from birth, they are motivated only by “what pleases them” and “fear or anger” (OC Pref. 12). The

men who lack reason at the end of the passage are similarly irrational: Hobbes returns in the sentence following to an account of “greed, fear, anger and all the other animal passions.” Although the passage is difficult, it seems to me that Hobbes here opposes reason and passion and argues that infants and evil men alike, lacking the reason required to oppose it, are overwhelmed by passion.

Three other passages are similar. In introducing his version of the golden rule, Hobbes notes that it is a rule of reason that we can sometimes fail to know when strong passions such as hope and fear prevail. Then he writes, “But no one is without his calmer moments, and at those times, nothing is easier to grasp, even for the ignorant and uneducated” (OC 3.26). Later, in his account of the advantages of the commonwealth, Hobbes opposes reason and passion again: “outside the commonwealth is the empire of the passions, war, fear, poverty . . . within the commonwealth is the empire of reason, peace, security, wealth” (OC 10.1). Most important, in the course of introducing the notion of a law of nature, Hobbes writes that agreement on a course of action does not make that action lawful because whole groups may “give their consent out of hatred, fear, hope, love, or any other passion or emotion rather than from reason” (OC 2.1; cf. EL 15.1).

The interpretation of this doctrine in *On the Citizen* is difficult. The passages suggest that either reason or passion alone can motivate action. If we want to insist that Hobbes consistently held that only passion can motivate, it may be best to understand reason itself in these contexts as a passion; on such a view, there are rational and irrational passions. Where reason prevails, rational passion emerges from deliberation and guides my behavior. Alternatively, a stronger view will make reason itself, although not a passion, another source of human motivation in *On the Citizen*. The latter option, I think, is more true to the passages, which do not invoke any rational passion. The former is more consistent with Hobbes’s detailed accounts of motivation.

A second feature of the descriptive account of reason in *On the Citizen* is traditional and familiar in the history of philosophy, but absent in Hobbes’s other works. There is not a great deal of evidence for its presence. Indeed there is just one passage. That passage, however, has a good deal of explanatory power because it may ground the strong opposition of reason and passion found in other passages. At the conclusion of his account of the laws of nature, Hobbes attributes an end to reason: “Reason . . . changes neither its end, which is *peace* and *self-defence*, nor its means” (OC 3.29). Here, Hobbes ascribes to reason itself an end and in doing so

grounds the laws of nature in that end. Reason itself seeks peace, so the laws of nature dictating means to peace serve reason. The doctrine also grounds an opposition between reason and passion because it offers a source of end-directed action in human psychology other than passion: just as I may avoid poison from fear and love money from greed, so, from reason, I seek peace.

This doctrine is not present in the other works. In the parallel discussion in *The Elements of Law*, chapter 17, Hobbes omits any discussion of reason's end. In *Leviathan*, Hobbes goes further. In criticizing the works of old moral philosophers at the beginning of chapter 11, Hobbes explicitly criticizes the *finis ultimus* – an end given to us by nature. *Leviathan* offers instead an account of the importance of peace that depends upon powerful passions – principally the fear of death – that continually give us new ends, which reason then helps us to contemplate in deliberation. This view, of course, is also present in *On the Citizen* (OC 1.2–4). We may conclude tentatively that descriptive accounts of reason in *On the Citizen* include the lean doctrine of *Leviathan*, chapter 5, but also incorporate a number of strong claims that hint at a more robust doctrine. This hint will be pursued in the interpretation of the normative status of reason and value in *On the Citizen* that follows.

Right Reason and the Good: Normative Accounts

If reason does have its own end, a relatively straightforward account of the route from a description of how human beings do act to a conclusion about which actions are good is available to Hobbes. My own reasoning can be right if it has the right end, peace, and if it infers the means to that end well. So understood, right action is action that follows from right reason; the good is right action, or, to fit Hobbes's account of the ascription of value more closely, the end that one has when one reasons rightly; and a good person is one who consistently reasons rightly and, subsequently, acts for the good.

There is substantial textual evidence in *On the Citizen* suggesting that these are the doctrines of that text. The association between right reason and a moral concept of right may be found in Hobbes's account of natural right:

For each man is drawn to desire that which is Good for him and to Avoid what is bad for him, and most of all the greatest of natural evils, which is death . . . It is not therefore . . . contrary to right reason, if one makes every effort to defend [himself]. And what is not contrary to right reason, all agree

is done justly and *of Right*. For precisely what is meant by the term *Right* is the liberty that each man has of using his natural faculties in accordance with right reason. Therefore the first foundation of natural *Right* is that *each man protect his life and limbs as much as he can.* (OC 1.7)

This passage derives a morally normative notion, a “right” to act, from the rationally normative notion, “right reason.”

The account of natural law goes further, associating natural law, this time a restrictive moral notion, closely with right reason:

[A]ll men allow that any act not contrary to right reason is *right*, and therefore we have to hold that any act in conflict with right reason . . . is *wrong* . . . Thus law is a certain *right reason*, which (since it is no less part of human nature than any other faculty or passion of the mind) is also said to be natural. The *Natural law* therefore (to define it) is the Dictate of right reason about what should be done or not done for the longest possible preservation of life and limb. (OC 2.1)

The passage invokes both the linguistic account of reason and the end of reason from Hobbes’s descriptive account, and it uses a norm of rationality, right reason, to generate a norm of behavior, right action.

The transition to a normative notion of the good is similar. As we have seen, Hobbes notes that our desires differ. Because we find good or evil what we desire or are averse to, our judgments about good and evil naturally differ as well. Reason can mitigate these differences. This passage sums up Hobbes’s account of the laws of nature:

Men are therefore in a state of war so long as they judge *good* and *evil* by the different measures which their changing desires from time to time dictate. All men easily recognize that this state is evil when they are in it; and consequently that peace is good. Thus though they cannot agree on a present good, they do agree on a future good. And that is the work of reason . . . Reason teaches that *peace* is *good*; it follows by the same reason that all necessary means to peace are good, and hence that *modesty*, *fairness*, *good faith*, *kindness*, and *mercy* (which we have proved are necessary for peace) are *good manners* [*mores*] or habits, i.e. *virtues*. Hence by the very fact that *law* teaches the means to peace, it teaches *good manners* or *virtues*. And is therefore called *moral*. (OC 3.31)

Here, Hobbes starts from the end that all have in virtue of possessing reason: peace. The fundamental law of nature has us seek peace, and reasoning about the means to peace generates the rest of the laws of nature. All of the ends prescribed by the laws of nature are good in the descriptive sense that, when we reason well, we all desire them, but here they also take a normative sense, on which, if we reason as we ought to reason we will

want them and so act as we ought. Hobbes concludes that acting in such a way is virtuous and moral.

On the Citizen, then, offers an account of morality on which right action can be known by means of right reason and right reason is available to all mature human beings, in the sense described in the account of the golden rule (OC 3.26). Because right reason, in the laws of nature, dictates that subjects yield the private judgment of good and evil to the sovereign, it can transform the subjective basis for the judgment of good and evil into something public and civic: agents of the sovereign interpreting laws are the authentic measure of good and evil (OC Pref. 8; OC 4.9–11). The appearance of right reason in Hobbes's accounts of natural right and natural law, therefore, affects the argument of the whole work.¹⁰

In this case, however, there is reason to invoke the rule of thumb established above and to doubt the sincerity of Hobbes's view. Neither *The Elements of Law* nor *Leviathan* invoke right reason in the contexts that Hobbes invokes them in *On the Citizen*. Instead, Hobbes's conception of reason in similar contexts in both of these other texts is wholly psychological. He makes the conviction that he, or anyone else, reasons rightly a matter of faith outside of the state and of political convention within it. Right reason plays no major role in these accounts of the basis of morality.

Passages parallel to those that we have just reviewed in *On the Citizen* offer clear evidence of this difference among the texts. Here are the accounts of right, natural law, and value in *The Elements of Law*:

[I]t is not against reason that a man doth all he can to preserve his own body and limbs, both from death and pain. And that which is not against reason, men call **RIGHT**, or *jus*, or blameless liberty of using our own natural power and ability. It is therefore *a right of nature*: that every man may preserve his own life and limbs, with all the power he hath. (EL 14.6)

Reason is no less of the nature of man than passion, and is the same in all men, because all men agree in the will to be directed and governed in the way to that which they desire to attain, namely their own good, which is the work of reason. There can therefore be no other law of nature than reason, nor no other precepts of **NATURAL LAW**, than those which declare unto us the ways of peace, where the same may be obtained, and of defence where it may not. (EL 15.1)

¹⁰ Significant uses of “right reason” (*recta ratio* or a variant) occur at OC 1.7, 1.9, 1.15, 2.1 and added note, 2.2, 3.25, 4.2, 4.19, 6.13, 10.11, 12.6, 13.2, 14.16, 14.17, 15.3, 15.4, 15.8, 15.17, 15.18, 16.1, 16.9, and 17.12.

Every man by natural passion, calleth that good which pleaseth him for the present, or so far forth as he can foresee; and in like manner that which displeaseth him evil. And therefore he that foreseeth the whole way to his preservation (which is the end that every one by nature aimeth at) must also call it good, and the contrary evil. And this is that good and evil, which not every man in passion calleth so, but all men by reason. And therefore the fulfilling of all these laws is good in reason; and the breaking of them evil. And so also the habit, or disposition, or intention to fulfill them good; and the neglect of them evil . . . as also the habit of doing according to these and other laws of nature that tend to our preservation, is that we call VIRTUE; and the habit of doing the contrary, VICE. (EL 17.14)

Hobbes does not invoke right reason in these passages. It is human reason, and it is reason in which we are all alike that generates natural right and natural law.

Leviathan is similar:

The RIGHT OF NATURE . . . is the Liberty each man hath, to use his own power, as he will himself, for the preservation of his own Nature; that is to say, of his own Life; and consequently of doing anything, which in his own Judgement, and Reason, hee shall conceive to be the aptest means thereunto. . . . A LAW OF NATURE . . . is a Precept, or generall Rule, found out by Reason, by which a man is forbidden to do, that, which is destructive of his life . . . and to omit, that, by which he thinks it may be best preserved. (L 14.1–3: 198)

Morall philosophy is nothing else but the Science of what is *Good*, and *Evill*, in the conversation, and Society of man-kind. *Good*, and *Evill*, are names that signifie our Appetites, and Aversions; which in different . . . men, are different; And divers men differ not onely in their Judgement on the senses . . . but also of what is conformable, or disagreeable to Reason, in the actions of common life . . . And therefore so long a man is in the condition of meer Nature, (which is a condition of War,) as private Appetite is the measure of Good and Evill: And consequently all men agree on this, that Peace is Good; and therefore also the way, or means of Peace, which (as I have shewed before) are *Justice*, *Gratitude* . . . and the rest of the Laws of Nature, are good; that is to say, *Morall Vertues*; and their contrarie *Vices*, Evill. (L 15.40: 242)

Like the passages in *The Elements of Law*, these passages do not invoke right reason at all. In the final passage, the fact that we agree on the value of peace still grounds the virtues. Whereas reason teaches us to seek peace in *On the Citizen*, however, and rationality explains our agreement, *Leviathan*, like *The Elements of Law* omits any order of explanation: do we agree about the laws of nature because they are right reason or are we able to consider them to be right reason just because we all agree about them?

On the Citizen differs from the other texts in its clear emphasis on right reason as a source of right action, knowledge of the good and virtue. It seems, then, that here Hobbes altered the arguments of *The Elements of Law* by inserting right reason into relevant areas of his argument. Later, he omitted right reason in the same contexts in returning to these arguments in *Leviathan*. That quick reversion calls into doubt the sincerity of the doctrine of *On the Citizen*.

This conclusion is further supported by the fact that in both *The Elements of Law* and *Leviathan*, Hobbes explicitly rejects a right reason constituted by nature:

In the state of nature . . . it was necessary there should be a common measure of all things that might fall in controversy . . . This common measure, some say, is right reason: with whom I should consent, if there were any such thing to be found or known in *rerum natura*. But commonly they that call for right reason to decide any controversy, do mean their own. But this is certain, seeing right reason is not existent, the reason of some man, or men, must supply the place thereof; and that man, or men, is he or they that have the sovereign power, as hath been already proved. (EL 29.8)

Reason it selfe is alwayes Right Reason, as well as Arithmetique is a certain and infallible Art: But no one mans Reason, nor the Reason of any one number of men, makes the certaintie; no more than an account is therefore well cast up, because a great many men have unanimously approved it. And therefore, as when there is a controversy in an account, the parties must by their own accord set up for right Reason, the Reason of some Arbitrator, or Judge, to whose sentence they will both stand, or their controversy must either come to blowes, or be undecided, for want of a right Reason constituted by Nature. (L 5.3: 66)

In both of these passages, Hobbes asserts that by nature we lack right reason. Because we do, we must establish an arbitrator to settle dangerous controversies. The explicit rejection of right reason both before and after *On the Citizen* suggests that Hobbes is not sincere there: a detailed, naturalistic account of reason in human psychology was not available to him in this fragmentary presentation of his doctrine, so he rushed to incorporate something that would serve in its place. Hobbes's most detailed account of right reason in the revision of *On the Citizen*, a note to chapter 2, shows some sensitivity about the doctrine. He explains there that right reason is nothing more than one's "own true Reasoning" and not some infallible faculty (OC 2.1n). The central point of these passages, however, is precisely that we cannot know by nature when our reasoning is "true." Because we cannot, we could not rely upon right reason in

founding natural right or natural law. The best that we could do is to rely upon our agreement. Hobbes's movement towards a more naturalistic conception of right reason in 1647, then, does not prevent *On the Citizen* from offering a doctrine that the other texts explicitly reject.

In offering this conclusion, I do not mean to suggest that Hobbes's considered view is easy to understand. On the contrary, I think that the place of reason in Hobbes's argument is one of the most difficult questions facing interpreters. It is clear, however, that in the other works Hobbes does not understand right action and the good simply in terms of right reason. Right reason is defined (EL 5.12) and later dismissed (EL 29.8) in *The Elements of Law*, and those are its only appearances. In *Leviathan*, with the exception of the passage in chapter 5 where Hobbes explicitly states that we want a right reason by nature, the term "right reason" does not appear at all in the accounts of the basis of states in chapters 6–30. Where the term does finally appear substantially, in his account of the Kingdom of God by Nature, Hobbes seems to make the rightness of reason a matter of faith in those who "acknowledge his providence" rather than natural knowledge:

God declareth his Lawes three ways; by the Dictates of *Naturall Reason*, by *Revelation*, and by the *Voyce* of some [prophet] . . . to which Correspondeth a triple Hearing; *Right Reason*, *Sense Supernaturall*, and *Faith* . . . there may be attributed to God, a twofold Kingdome, *Naturall*, and *Prophetique*: *Naturall*, wherein he governeth as many of Mankind as acknowledge his Providence, by the naturall Dictates of Right Reason; And *Prophetique*, wherein [he governed the Jews] not onely by naturall Reason, but by Positive Lawes. (L 31.3–4: 556; cf. OC 14.4, 15.3)

The Latin *Leviathan* varies, but not significantly. The central passages do not invoke right reason (*recta ratio*), arguably emphasizing individuals' subjective perspectives still more strongly than the English text (see Lloyd 2009: 180–2). Hobbes does invoke *recta ratio* and related concepts several times, where he does not in the English version, in the course of responding to objections, most prominently in the discussion of the Foole (LL 15.4–6: 223–5; also LL 29: 501, 30: 523). There, the Foole claims to have right reason, and Hobbes claims that what the Foole maintains is in fact *contra recta ratio*. That fools claim to have right reason is no evidence that they do, so it is Hobbes's own claims that his interlocutors' doctrines are not rightly reasoned that hold interest. They may be in tension with the basic commitment not to know right reason. They might alternatively be a product of Hobbes's emphasis on his own perspective in replies to interlocutors: any of us do take our own reason to be right reason. Or, finally,

Hobbes may hold a view on which we can know that some reasoning is not right reason – if, for example, it includes self-contradiction – but still not know that any reasoning is right reason. In any case, these very few differences between the texts do not seem to me to change the central point: Hobbes's account of the basis of states does not appeal to right reason in *The Elements of Law* or *Leviathan*, but it does in *On the Citizen*.¹¹

I think that Hobbes really thought, as he wrote in both *The Elements of Law* and *Leviathan*, that we lack right reason constituted by nature. In *On the Citizen*, Hobbes nevertheless invoked right reason in order to present a version of his political philosophy that might seem to stand alone. That is a strong conclusion. Moreover, because it concerns Hobbes's private thoughts, I cannot defend it decisively. A more modest conclusion that students of *On the Citizen* may draw from this discussion is that, whatever its sincerity, the text is distinctive among these works in its doctrine of reason and therefore in its conceptions of natural right, natural law, and value, all of which build upon that doctrine. We should not rely on *On the Citizen* in the search for the correct interpretation of *Leviathan* or for some general Hobbesian conception of reason.

¹¹ Thanks to Johan Olsthoorn for raising the question of the place of *recta ratio* in the Latin *Leviathan*.

CHAPTER 6

Property and Despotic Sovereignty

*Laurens van Apeldoorn**

In *On the Citizen*, Thomas Hobbes maintains that sovereigns have “lordship [*dominium*]” of their citizens (OC 5.12, 8.1),¹ that commonwealths are “formed from a *Master* [*dominus*] and a number of *slaves* [*servi*]” (OC 10.5),² and that a “*slave’s* possessions as well as his person belong to his *Master*” (OC 8.8; also OC 8.6, 8.10, 9.2). Few contemporary scholars have concluded that Hobbes really means to defend what Aristotle (*Politics*, 1255b16–20) called “despotic” rule and grant sovereigns ownership of their subjects and all they possess. Based on a reading of the more famous *Leviathan*, interpreters have rather detected in Hobbes’s writings the reluctant expression of a distinctly modern liberalism (Strauss 1950: 181–2; Macpherson 1962; Tuck 1989: 72–3; Wolin 2004: 214–56, especially at 240–2; Dyzenhaus 2012: 189; Ryan 2012: 159–219, especially at 182, 211; Vinx 2012: 160). They see him as an early exponent of a tradition that takes political institutions regulated by stable precedent law as instrumental to citizens’ commodious living, consisting chiefly in the secure enjoyment of their private property (L 13.14: 196). While the word *dominium* in Roman law denoted private property of such things as land and slaves (Berger 1953: 411), by the early-modern period it had evolved into a generic concept of right that could signify both property (*proprietas*) and *imperium* or political authority (Coleman 1983; Brett 1997: 22; Chapter 7). *Dominium* accordingly had become more closely related to *potestas*, which may be translated as rightful power, and from the outset

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¹ For the analogy between sovereignty and lordship see OC 9.3, 9.10. More generally Hobbes treats sovereignty (*summum imperium*) as equivalent to *dominium* (OC 5.12, 7.16, 8.1–3, 8.5).

² For the analogy between a citizen (*subditus*) and slave (*servus*) see OC 8.7–9, 9.9.

had a diversity of meanings depending on the context in which it was used (*Digest* 50.16.215). When Hobbes attributes “lordship” to sovereigns he could thus be read as making the ordinary observation that sovereigns have jurisdictional authority – the right to impose binding law – or *imperium* over their citizens.

The few interpreters that have considered the possibility that Hobbes really attempts to treat citizens as the property of their sovereigns have suggested that this attempt must fail (Zarka 1995; Lukac de Stier 1997; Abizadeh 2016). They posit that Hobbes takes property to consist in having exclusive rights (granted by the civil law or resulting from individual contracts) to enjoy, use, and dispose of a thing. This conception of property resists treating citizens as property of the sovereign for two reasons. First, since the sovereign may by means of legislation grant citizens property they may legally hold even against the sovereign himself, the sovereign does not *necessarily* have ownership of his citizens and their possessions. The sovereign can legislate anything to be his property, yet it “remains a contingent effect, not an intrinsic part, of his or her jurisdictional authority” (Abizadeh 2016: 406; also Goldsmith 1966: 198). Second, even if they wished, sovereigns could never have *full* ownership of their subjects. Hobbes posits the existence of several inalienable natural rights, such as the right to resist threats of bodily harm (OC 2.18–19, 9.9). A property right in a person is therefore never fully exclusive, since it cannot comprise exclusive rights to those actions that individuals have an inalienable right to resist (Zarka 1995: 187).

In this chapter I seek to show that in *On the Citizen* Hobbes does complete a conceptually coherent defense of despotic sovereignty in a manner not previously appreciated. I will do so by presenting a novel reading of Hobbes’s treatment of the nature of property. I will suggest that ownership consists in having preeminent power with a natural right to exercise that power. On that basis, I shall argue, Hobbes is entitled to conclude that sovereigns, by virtue of their sovereignty, *necessarily* and *fully* own their subjects and all they possess. Sovereigns own their subjects and everything they possess because they rule over them with preeminent power and (at a minimum) a natural right to exercise that power. *On the Citizen* thus contains a philosophically coherent account of why all sovereignty is necessarily despotic. Perhaps even more importantly, it provides him access to a very powerful, but profoundly illiberal, argument against the existence of property titles of citizens against their sovereign: it is a conceptual truth, on Hobbes’s conception of property, that the sovereign owns everything in the commonwealth that can be owned.

Property

Hobbes maintains that a person owns “what he can keep for himself,” can “use and enjoy,” and can “dispose of” (OC 1.10, 6.15, 8.5, 14.7). On this basis interpreters conclude that for Hobbes property consists in an exclusive right of using, enjoying, and disposing, with correlative obligations on the part of others not to interfere. As one interpreter remarks, “Hobbes understands property just as Locke does, as a claim with an implication of exclusivity, or a duty of forbearance and abstention on the part of others” (Zuckert 1994: 275).³ In this section I argue against this standard reading. I maintain that in *On the Citizen* Hobbes does not hold a Lockean conception of property but rather conceives of property or ownership as consisting in a natural right and capacity or power (*potentia*) of using, enjoying, and disposing (from now on I summarize this conjunction of incidents with the term “possession”).

This alternative reading does not deny that having full ownership entails that no-one else has ownership; that property is “proper” to a person in the antiquated sense of applying or ascribing exclusively. However, exclusivity is not secured by exclusivity of *right* but by exclusivity of *power*. The juridical basis for ownership is a natural right that need not be exclusive, and ownership is only secured when this right is made effective: when one’s power over thing is preeminent, which is to say that there is, in Hobbes’s vocabulary, no higher power. Certainly, it is possible to have ownership and *also* have an exclusive right to possess, but this exclusive right is not a conceptually necessary condition for ownership, or so I will argue.

Hobbes defines property as follows:

[1] a person’s property is what he can keep for himself [*sibi retinere potest*] by means of the laws and the power [*potentia*] of the whole commonwealth, i.e., by means of the one on whom its *sovereign power* has been conferred.
(OC 6.15; also OC 8.5)

³ Similarly, M. M. Goldsmith (1966: 197, also 193–4) maintains that according to Hobbes property is a “private right exclusive of other men.” Johan Olsbroek (2015b: 485, also 487) suggests that for Hobbes, “A’s propriety in *x* consists in obligations (imposed by law) on A’s fellow-subjects not to interfere with A’s enjoyment of *x*.” Others who present or imply this reading include Abizadeh (2016: 400, 405); Foisneau (2004: 109); Horne (1990: 26); Macpherson (1962: 95–6); Pierson (2013: 173–4); Schlatter (1951: 140); and Zarka (1995: 173, 179–81).

This definition suggests that property is that which one can keep for oneself, that is to say, what one *de facto* controls or possesses.⁴ Possession is secured by means of positive law and the *potentia* of the commonwealth. *On the Citizen* does not contain a definition of *potentia*, but in the Latin edition of *Leviathan* it is defined as the capacity or means to obtain some future good (LL 10.1: 133). In *On the Citizen* Hobbes systematically associates *potentia* with physical strength (*vis*) in conformity with this definition.⁵ Hobbes elaborates the instrumental character of the legal system in relation to property in the following passage:

[2] [a] For if a law says nothing more than, for example, *let that be yours [tuum] which you have caught with your own net in the sea*, it is useless [*frustra*]. [b] For though someone else may take from you what you have caught, that does not prevent it from still being yours [*tuum*]; [c] for in the state of nature where all things are common to all men, the same thing is both yours and another's so that what the law defines as yours was also yours before the law, and does not cease to be yours after the law, even though it is in the possession of another; [d] the law achieves nothing therefore, unless it is taken to mean that the thing is yours in the sense that all are prohibited from obstructing your ability to use and enjoy it at all times in security at your discretion. [e] What is required for man to have property in goods is not that he be able to use them, but that he alone be able to use them [*non ut quis iis possit uti, sed possit solus*], and that is achieved by prohibiting others from obstruction: [f] But it is useless [*frustra*] even to prohibit, unless you instill the fear of punishment; [g] hence a law is useless [*frustra*], unless it contains both parts, the part which forbids wrongs to be done and the part which punishes those who do them. (OC 14.7, translation altered)

In the Tuck and Silverthorne translation of (2e) property in goods requires that a person “alone *may* be able to use them” (my emphasis). This gives the false impression of a juridical assertion, the attribution of an exclusive (claim-)right to the owner of the goods. Hobbes asserts no such thing.

⁴ From now on I will speak only of “possession,” but I also mean to include under that heading more complex forms of control that may be exercised through the legal system, for instance, when the law provides effective remedies for infractions of one’s property right.

⁵ For the argument that Hobbes’s conception of *potentia* changes from the *Elements* and *On the Citizen* to *Leviathan* see Field (2014). She argues that (unlike in *Leviathan*) in *On the Citizen* sovereign *potentia* is equivalent to *potestas* and consists in a faculty of the sovereign as artificial person to have right to the powers of its subjects (68). One weakness of her argument is that she relies predominantly on the *Elements* to establish this conclusion about *On the Citizen* (see 62, n.9). Another weakness is that she risks committing the fallacy of affirming the consequent as follows: if *potentia* consists in the obligation of subjects to obey then it is invariant; sovereign *potentia* is invariant; therefore, sovereign *potentia* consists in the obligation of subjects to obey (67–8).

Here, too, he characterizes property as consisting in *de facto* possession by emphasizing the possibility of use (*possit uti solus*). The passage as a whole is intended to deduce the characteristics civil law must have if it is to be capable of safeguarding property understood as consisting in *de facto* possession. Hobbes concludes that civil law must be partly *distributive* and partly *vindictive* (OC 14.6): the law must both impose obligations on subjects and attach punishments to transgressions of these obligations (2g). The first half of that conclusion is established in (2a–d). The *distributive* part of the law must impose obligations on subjects. If a law were merely to distribute rights (which are liberties) then the law is incapable of condemning appropriation of our possessions by another: we have a natural right to all things and this right cannot be violated by misappropriation. The law must instead distribute obligations prohibiting others from interfering with our possessions. In (2d) Hobbes requires that the distributive part of the laws “prohibit” others from obstructing the use of one’s own, and in (2g) he emphasizes that law “forbids wrongs.” In conformity with the traditional interpretation, Hobbes thus admits that civil laws introduce exclusive rights of the kind the standard reading takes as constitutive of property.

Yet, for two reasons, passage (2) does not support the standard reading. First, in contradiction with the traditional interpretation, Hobbes denies that having an exclusive right is sufficient for having property. The establishment of *de facto* possession not only requires the prohibition of misappropriation, but also the enforcement of that prohibition. This is the second half of the conclusion, established in (2f–g). Without this *vindictive* part of the law, the law would be “useless” or without effect. The enforcement of *vindictive* laws is a necessary condition for *de facto* possession and, hence, property. This is false on the standard reading. The *distributive* part of the law in isolation establishes well enough the obligations that are, on that reading, sufficient for the existence of property, and thus would certainly not be without effect (even if the property rights so established would habitually be violated). On Hobbes’s conception of property, however, distributive laws in isolation are unable to establish property since they do not guarantee that the individuals who are assigned the exclusive right to the goods in question can also exercise that right. (See also passage [1], which makes clear that secure possession requires not just the [distributive] law but also the coercive power [*potentia*] of the sovereign.)

Elsewhere Hobbes confirms the importance of the accurate and swift enforcement of distributive laws as a necessary condition for property: “it is

pointless [*frustra*] to distinguish *mine* from *another's* by law if they are confounded again by false judgement [of a judge], robbery or theft" (OC 13.17). On the standard reading this is a curious thing to say. How can what is mine and yours be "confounded" by robbery and theft if property simply consists in having an exclusive *right* to the undisturbed use and enjoyment of one's own? It is possession, not ownership, that is confounded when robbery or theft occurs. However, this description is very fitting on the alternative interpretation, which takes possession as a necessary condition for ownership.

The second reason passage (2) does not support the standard reading is that Hobbes accepts an instrumental, not a constitutive, relation between the exclusive rights introduced by distributive laws, and the existence of property. In a commonwealth the latter, as he puts it in (2e), is "achieved by" the former. Imposing a system of enforceable obligations on citizens by means of a legal system is an effective, but non-essential, method to ensure that individuals have the undisturbed possession of their goods. It may be possible to employ other means to ensure effective possession. It implies that property could in principle be had in the absence of positive law, in the Hobbesian state of license, if one were powerful enough to exercise one's natural rights in the face of hostile belligerents. When discussing Hobbes's account of *dominium* by masters of slaves and parents of children, I will suggest that Hobbes does indeed admit this possibility in practice.

I see three objections to this reading of (1) and (2). First, one may object that Hobbes in (2b) implies that ownership cannot merely consist in effective possession. He admits that though someone may take something from you, this "does not prevent it from still being yours." One may thus own something even though it ceases to be under one's effective control. This, in turn, may be thought to support the standard reading that takes property to consist in an exclusive right to possess it (since that reading allows for the possibility that one owns something even though one lacks possession of it due to illicit confiscation).⁶ In response, I point out that when Hobbes maintains in (2b) that something can be "yours" even though it is in the possession of another, he speaks of the state of nature where "the same thing is both yours and another's." In the state of nature everything is "yours" in the weak sense that you have a natural right to possess it, and *this* right is not extinguished when something is in the

⁶ See, e.g. Olsthoorn (2015b: 481), who takes this apparent distinction between property and possession as corroborating the standard reading.

possession of another. However, this right does not amount to full ownership on the standard reading. As Hobbes points out, in the state of nature where everyone has an abundance of liberties to “possess, use and enjoy” (OC 1.10), everything is held in common, and “where all things are *common*, nothing can be the *proper [proprium]* to any one man” (OC 6.15; also OC 1.11, 6.1). The standard reading accepts that property is necessarily exclusive (since it consists in an exclusive right to possess). Passage (2b), then, does not provide evidence for the standard reading.

Second and relatedly, one could suggest that the resulting reading implausibly eliminates any distinction between ownership and possession. If ownership is equivalent to possession, then theft confers ownership and it is impossible to reproach theft as illicit and a violation of the law. I note in response that, according to Hobbes, ownership consists in *both* pre-eminent power over a thing and the natural right to exercise this power. This allows him to draw a conventional conclusion from unconventional premises. In the commonwealth, where property is secured by means of the legal system, Hobbes is able to condemn the actions of the bandit who takes the fish from the fisherman’s net in contravention of the distributive law: he acts without right and does not acquire ownership over the fish (OC 6.16). In this example, the only person with a right to the fish (bracketing the sovereign) is the fisherman. But as long as he does not have the fish securely in his possession it is “his” in only the weak sense that he has a natural right to possess it. Ownership, in the proper sense, requires also *de facto* possession. As Hobbes reassures us (in [1]), the “power [*potentia*] of the whole commonwealth” will be exerted to ensure the security of everyone’s distinct possessions. In Hobbes’s commonwealth, the fisherman will genuinely own his fish because the law prohibiting others from taking it will be enforced.

Third, my reading contradicts the main reason, commentators have thought, why Hobbes denies the existence of private property in the state of nature. Hobbes maintains that, “until a commonwealth is instated, *all things belong to all men* and there is nothing a man can call *his own*,” and therefore that “*property and commonwealths came into being together*” (OC 6.15; also OC 12.7). Proponents of the standard reading suggest that property is absent from the state of nature because agreements giving rise to exclusive rights are not enforced (OC 1.10, 2.11). As Johann Sommerville (1992: 55–6) suggests, by “adopting the unusual argument that covenants are invalidated if just fear of non-performance arises, Hobbes was able to underpin his claim that property is impossible in the state of nature . . . since no coercive power exists to enforce contracts.” Only the

sovereign provides the conditions that make binding agreements, and therefore exclusive rights, possible (Schlatter 1951: 140; Horne 1990: 24–6; Pierson 2013: 173; Olsthoorn 2015b: 481–2). Proponents of this argument may find support in the following passage:

[3] *Mine* and *Yours* (whose names are *dominion* and *property*) have no place there [in the state of nature], because there is as yet none of that security which we showed above was a prerequisite of the practice of the *natural laws*. (OC 6.1)⁷

This passage supports the standard reading insofar as the phrase “practice of the *natural laws*” refers to the practice of creating exclusive rights by means of agreements. It supports my alternative reading if the phrase refers to the possibility of having effective possession. It is not easy to adjudicate between these two possibilities since in the Hobbesian natural state individuals lack both exclusive rights and the capacity to effectively possess anything. My alternative reading, however, finds support in the parallel passage in *Elements*, where Hobbes expresses more clearly what feature of the state of nature thwarts the existence of property. The state of nature is “that estate in which every man hath right to everything, and consequently . . . in an estate of enjoying nothing; and therefore *meum* and *tuum* hath no place amongst them” (EL 2.2). There is no property in the state of nature because it is an “estate of enjoying nothing.” As he puts it in *On the Citizen*, while “one could say of anything, *this is mine*, still he could not enjoy it because of his neighbour, who claimed the same thing to be his by equal *right* and with equal force [*vis*]” (OC 1.11). In the state of nature, we have a natural right to possess anything but we lack sufficient power, given human equality, to effectively exercise this right (OC 1.6, 2.4). The “practice of the *natural laws*” is necessary for property to arise, on this interpretation, because only the practice of the natural laws – when individuals enter into and stand by their agreements – ensures that we can effectively possess anything.

The resulting conception of property may be unconventional, but it is not without precedent. In his *Institutes*, the Roman jurist Gaius presents an equivalent account when outlining the laws governing ownership under

⁷ Also, OC 6.1: “each man has his own *right* and *property* [*Jus & proprietas*] by particular contracts, so that one may say of *one thing* and another of *another thing* that it is his own [*suum*.]” This passage may support the standard reading if it concerns the state of nature (Olsthoorn 2015b: 482). This is not obvious. To read the passage as describing how individuals hold property in the state of nature is to render it inconsistent with passage (3), later in the same paragraph, where Hobbes expressly denies that possibility.

the law of nations. It appears reminiscent, as one commentator notes, of “a time when the strong man armed, and he alone, held his goods in peace” (Buckland 1921: 208). Gaius maintains that prior to the establishment of positive law, ownership is equivalent to physical seizure and continued possession. On this conception of property (which is inconsistent with much of Roman law, where long occupancy and possession may give rise to property but are not reducible to it) the things we acquire “are regarded as ours for so long as they are governed by our control [*nostra custodia coeretur*]” (*Digest* 41.1.3.2). When we lose “physical control [*naturalem possessionem*]” (*Digest* 41.2.3.13), we also lose ownership and they become available again for first taking. The examples given by Gaius suggest that these norms primarily apply to movables such as wild animals, but he also singles out ownership of slaves as similarly dependent on the continued physical control of slaveholder. Freemen are made slaves when they are in the possession of the slaveholder, and only when they escape the “power of the enemy [*hostium potestate*]” do they “regain their original freedom” (*Digest* 41.1.7). Gaius’s account is contained in the *Digest* and reproduced virtually unaltered in Henry de Bracton’s *On the Laws and Customs of England* (thirteenth century), on which Hobbes draws extensively in his *Dialogue between a Philosopher and a Student* (1681).⁸ Hobbes may also have become familiar with his conception of property via Hugo Grotius, who quotes Gaius in his *The Freedom of the Seas* in the course of providing a conjectural history of the development of the legal institution of ownership (Grotius [1609] 1916: 25). While Grotius holds a conception of ownership in terms of exclusive rights, he accepts that “in the earliest stages of human existence,” ownership could be coextensive with physical seizure; at that time “[a]ll things belonged to him who had possession of them” (Grotius [1609] 1916: 22, 24). Grotius presents this as support for his claim that initial occupation remains a necessary condition for establishing private ownership, so providing a reason why the sea (which he takes to be impervious to occupation) is held in common by the whole of mankind.⁹

⁸ Bracton (1997: vol. 2, 42–3). Hobbes calls Bracton “the most authentick Author of the Common Law” (DPS 35).

⁹ There is no evidence that the Hardwick library contained a copy of Grotius’s *The Freedom of the Seas*, but it did contain a copy of his *The Law of War and Peace*, which includes a condensed version of the argument of the earlier work (Grotius [1625] 2005: 2.2.3). It is certain that Hobbes read *Mare Clausum*, John Selden’s response to Grotius, soon after it was published in 1635 (Malcolm 2002: 63).

Sovereign Ownership of Citizens

In the previous section I have argued that ownership consists in having preeminent power over something with a natural right to exercise this power. In this section and the next, I argue that sovereigns have ownership, so understood, of citizens and all they possess. Hobbes maintains that sovereignty (*summum potestas* or *summum imperium*) “consists in the fact that each of the citizens has transferred all his own force [*vis*] and power [*potentia*] to that *man* or *Assembly*. To have done this simply means (since no one can literally transfer his force to another) that he has given up his right to resist” (OC 5.11, translation altered). This definition references the original covenant in which prospective citizens alienate their rights to the benefit of a prospective sovereign: each man “transfers to that other the *Right to his strength and resources*” (OC 5.8), which is to say that he “obligates himself” not to “withhold the use of his wealth and strength against any other men than himself” (OC 5.7; also OC 6.13). This obligation, not implausibly including the obligation to obey the commands of the sovereign,¹⁰ constitutes the “right of *Dominion* [*jus dominium*]” that is “acquired over men’s *persons*” (OC 8.1). It suggests that sovereignty in *On the Citizen* consists in jurisdictional authority, an acquired right to rule (conceived as a right to command that is correlated with an obligation to obey on the part of citizens).¹¹ Yet, Hobbes’s claim that sovereignty “consists” in the citizens’ transfer of their “force [*vis*] and power [*potentia*]” (OC 5.11), indicates that this interpretation is at a minimum incomplete. The combined power, formerly in the hands of the citizens, appears to form at least a necessary condition for having sovereignty (OC 6.6, 6.13, 6.17, 10.12).¹²

Strong support for the view that preeminent power is a necessary condition for sovereignty can be found in Hobbes’s key argument for absolutism, which has been very widely misunderstood. Traditionally, the argument is taken to establish the inescapability of an absolute

¹⁰ There is much disagreement about whether the obligation not to resist the sovereign can be conceived as (including) the obligation to obey the commands of the sovereign. Authors who deny this include Gauthier (1969: 112); Johnston (1986: 80–1); Martinich (2005: 111, 116); and Pitkin (1964: 908–9). For a helpful corrective see Orwin (1975: 29).

¹¹ For instance, the translators of *On the Citizen*, when referring to *summum imperium*, write that “[t]he right so described is essentially the *Ius imperandi*, and consists essentially in the citizens’ having given up their right to resist” (Tuck and Silverthorne 1998: xliii).

¹² See also *Elements*, where Hobbes defines “sovereign power” as consisting “in the power and the strength that every of the members have transferred to him from themselves, by covenant” (EL 19.9; also EL 20.7).

jurisdictional authority, an unlimited acquired right to rule, based on the supposition that any alternative would lead to an infinite regress of legal authorities, each being subject to still a higher authority. M. M. Goldsmith, for instance, claims to find in *On the Citizen* the “most explicit formulation of the logic” (Goldsmith 1980: 39, referring to OC 6.13 and OC 6.18; also Hampton 1986: 98; Baumgold 1988: 56–66; Sommerville 2016: 380–4). However, if we turn to the passage in question we find a different argument:

[4] [a] in every commonwealth there is some *one man* or *one assembly* or *council*, which has by right as much power [*potentia*] over individual citizens as each man has over himself outside of the commonwealth, that is *sovereign* or *absolute* power [*id est summam sive absolutam*], [b] which is to be limited only by the strength [*vis*] of the commonwealth and not by anything else. [c] For if its power [*potestas*] is to be limited, it has to be by a greater power [*potestas*]; [d] for the one that sets the limits must have greater power [*potentia*] than the one restrained by limits. [e] The restraining power [*potentia*] therefore is either without limit, or is restrained in its turn by a greater power [*potentia*]; [f] and so it will come down at last to a power [*potestas*] without other limit [*terminus ultimus*] than that set by the strength [*vis*] of all the citizens together in its full extent. [g] This is the so-called *sovereign power* [*imperium summum*]. (OC 6.18)

This passage attributes to the holder of sovereignty highest or absolute power (*potentia*) (*per* [4a] and [4g]). This explication of the nature of sovereignty paves the way for Hobbes’s regress argument leading to the conclusion that there is necessarily in every commonwealth a person with an unrestrained and absolute *potentia* (in [4c–f]). The upshot of this argument is evidently not, as Goldsmith and others have it, that the sovereign has unlimited jurisdictional authority, understood in terms of an absolute (acquired) right to rule. The crucial premise on which the regress argument rests, namely that if power is limited it must be limited by a greater power, is articulated in terms of *potentia* (in [4d] and [4e]): sovereign power is unlimited because and insofar as it is unlimited by a greater *potentia* (also OC 7.3). Furthermore, Hobbes twice (in [4b] and [4f]) clarifies that the power of the sovereign is as great as possible, but not infinite, since dependent on the combined strength (*vis*) of the commonwealth and its citizens. This is, of course, precisely Hobbes’s characterization of the nature of sovereignty as consisting of the combined “force [*vis*] and power [*potentia*]” (OC 5.11; also OC 13.2) of the citizens who submit their will to the will of the sovereign. It is absolute power and strength, not

absolute jurisdictional authority, that is the *terminus ultimus* of the regress (also OC 8.8).¹³

The conclusion must be that sovereignty consists (in part) in having preeminent power (*potentia*) over citizens in the commonwealth. This establishes one of the two conditions of the sovereign's ownership of his citizens. The second condition is easily established: the sovereign, not having alienated any rights in the original covenant nor being bound by the civil law, has an undiminished natural right to possess, use, and dispose of anything (OC 1.10, 6.20). It follows that the sovereign does not only rule over his subjects but can also count them as his own. Hobbes is particularly frank about this implication in the chapters concerning natural commonwealths and patrimonial kingdoms. Such commonwealths are “acquired by natural power and strength [*potentia et viribus naturalibus*]” (OC 8.1) when a multitude of individuals are subjected to the rule of a usurper (or father) simply because they are unable to resist his overwhelming power. The individuals are then called “slave” (*servus*) of a “lord” or “master” (*dominus*) (OC 8.1) who “may say of his slave no less than of any other thing, animate and inanimate, *This is mine [hoc meum est]*” (OC 8.5; also EL 22.1). Since the slave is the property of the master, the master “has the right to dispose of a man's *person* as he pleases” (OC 8.1); for instance, he may “sell his *Dominion* of the slave, or pledge it or pass it by will, at his own discretion” (OC 8.6; also OC 8.10, 9.2). Hobbes accepts that these claims apply equally to citizens in “political” commonwealths instituted by an original agreement. He denies that there are formal differences between natural and political commonwealths: they differ “in origin and manner of formation,” but once formed they have “all the same properties” (OC 9.10). Accordingly, there is no appreciable difference between a “free citizen” [*civem liberum*] and a slave (OC 9.9; also OC 8.7–9, 9.9). Regardless of how a commonwealth comes into being, its members are equally the property of the sovereign.

The following passage not only presses this inflammatory conclusion, it also further supports my reading of Hobbes's conception of property:

[5] [a] But if it happens, whether by capture or by voluntary submission, that a *Master* [*Dominus*] becomes a *slave* [*servus*] or *subject* [*subditus*] to someone else, the latter will become *Master* of the other's *slaves* as well as of

¹³ Field (2014: 69) sees the passage under discussion as evidence for her view that before *Leviathan* Hobbes conflates power (*potentia*) with authority (*potestas*). It is true that Hobbes shifts back and forth between using *potentia* and *potestas*, yet the regress arguments' central premises (4d–e) are couched in terms of *potentia* which suggests that he does not simply treat the terms as equivalent.

his person; [b] he will be the *supreme Master* [*Dominus supremus*] of the slaves, the *immediate Master* of their former *Master*. [c] For since a slave's possessions as well as his person belong to his *Master*, the slaves of the original owner become the new man's slaves; [d] the *Master in-between* can do nothing about them [*neque potest Dominus medius de iis aliter disponere*] except as the *supreme Master* directs. [e] This is the reason why whenever the *Master's* power [*potentia*] over their slaves in the commonwealth is absolute, it is thought to derive from a right of nature, not established by the civil law but prior to it. (OC 8.8)

In this passage Hobbes explains why a slaveholder cannot hold onto his slaves when he himself is captured or voluntarily submits to the rule of a supreme master or sovereign. The slaveholder no longer has absolute power (*potentia*) over them (5e) since the slaveholder has lost the capacity to dispose of his slaves as he pleases except in accordance with the will of his superior (5d). The supreme master, by virtue of his absolute power over the slaveholder, *can* freely dispose of the slaves. That is why the slaves of the slaveholder are now in the ownership of the supreme master (5c). Besides thus repeating the claim that masters have ownership of their slaves, it reiterates that ownership consists in having preeminent or absolute power (5d–e) and a natural right to exercise it (5e). It also implies that ownership is a necessary consequence of sovereignty by echoing the regress argument in passage (4) which Hobbes presents as an argument about the nature of sovereignty (not ownership).

Yves Charles Zarka has argued that Hobbes's attempt to make citizens the property of their sovereigns is incomplete since Hobbes is unable to bridge a vital gap between ownership and sovereignty. Zarka relies on the standard reading of property that attributes to Hobbes a conception of property as an exclusive right with correlative obligations on others not to interfere with the person's possession of what is theirs. This conception of property, Zarka maintains, can only serve as an imperfect model for political rule, since Hobbes stresses that individuals have certain inalienable rights: they cannot be obliged not to resist threats to their life and body, nor can they be required to accuse themselves, their family, or those that depend on them for survival. (OC 2.18–19, 9.9; Zarka 1995: 185). These inalienable natural rights prevent the sovereign's right in their citizens from ever being fully exclusive, since the sovereign's right never comprises rights to actions that citizens may rightfully resist. Something similar, Zarka (1995: 187) suggests, holds for workhouse slaves that are physically bound and thereby released from any contractual obligations to their master. They lack any obligations correlating to the ownership rights

of their master. Zarka therefore concludes that Hobbes's analogy between political rule and property is incomplete: "The declaration by the master: *hoc meum est*, does not fully transform the slave into a thing" (Zarka 1995: 187, my translation).

I respond that Hobbes does fully transform citizens and slaves into objects of ownership, because he rejects that ownership consists in an exclusive right. The fact that citizens have inalienable rights and workhouse slaves are at liberty to disobey their masters does not form any obstacle to attributing ownership to the sovereign. A master with the natural right to possess, use, and dispose of a slave as he pleases has ownership of the slave as long as he has the power (*potentia*) to exercise that right. Whether the slave additionally has obligations correlating to the master's natural right is simply irrelevant. This is precisely Hobbes's conclusion after distinguishing between workhouse slaves and slaves bound by obligations arising from a contract: a master "has no less right and dominion over the *unbound* slave than over the *bound*, for he has supreme dominion over both" (OC 8.5).

Sovereign Ownership of Citizens' Possessions

I am now in a position to elucidate Hobbes's argument for the sovereign's absolute ownership of the citizens' possessions. Hobbes's conception of property permits a strikingly original answer to the question of whether citizens can hold any property as their own against the sovereign. The falsehood of this "doctrine inimical to commonwealths" follows *conceptually* from the nature of sovereignty. It is shown to be fallacious, as Hobbes puts it in *Elements*, simply "by proving the absoluteness of the sovereignty" (EL 27.8). In *On the Citizen*, he expresses the conceptual implication as follows:

[7] those who have a *Lord* [*dominus*] do not have *Dominion*, as was proved in VIII.5. (OC 12.7)

This categorical claim is more than a little puzzling if one is committed to a standard reading of property as an exclusive right. Why does being subject to the absolute rule of a sovereign (having a "*Lord*") necessarily preclude having any exclusive rights (including against the sovereign) to use and dispose of one's own (having "*Dominion*")? One possibility is to read passage (7) as expressing the necessary dependence of property on the existence of the civil law by means of which the sovereign exercises jurisdictional authority. Recall that Hobbes notes that the

civil law has a “distributive” function in the sense that it determines “what belongs to us and what to others, so that others may not obstruct us in the use and enjoyment of our own” (OC 14.6; also OC 14.9). We own those things that the law determines we can lay exclusive claim to. However, the sovereign, whose will is law, can at a moment’s notice exercise his jurisdictional authority to change the distributive law and expropriate all one has (Goldsmith 1966: 193–4; Olsthoorn 2015b: 486; Abizadeh 2016: 405). Support for this reading can be found in the following passage:

[8] [a] individual citizens hold *their property*, over which none of their fellow citizens has any right, because they are bound by the same laws; [b] but he does not hold any property on such terms that the holder of sovereign power [*imperium summum*] has no right over it, [c] since his commands are the laws themselves, his will comprehends the will of individuals, and individuals have appointed him their sovereign judge. (OC 6.15)

Since the sovereign has by virtue of his legislative authority the (Hohfeldian) power to determine the property rights of citizens (as suggested in [8b–c]), citizens are liable to having their property confiscated by the sovereign. If the sovereign wishes to expropriate the goods of his citizens he may do so by exercising jurisdictional authority and altering the distributive laws that contain the obligations (including, potentially, those of the sovereign) to refrain from such expropriation.

The disadvantage of this reading is that it fails to show the *necessary* impossibility of holding property against the sovereign as the apparently categorical assertion in (7) suggests. It only shows, as Abizadeh (2016: 405–6 and n. 33) puts it, the citizens’ lack of “relatively secure immunity against expropriation.” Another possibility is therefore to suggest that one cannot hold property against the sovereign because the sovereign is never subject to distributive laws in the first place. As Hobbes puts it in (8c), civil laws are the commands of the sovereign, and since one cannot be bound by obligations to obey oneself, the sovereign cannot be bound by civil laws (OC 6.14, 9.3). Whereas citizens may hold property against their fellow citizens, by virtue of a distributive law that prohibits them from interfering with the use and enjoyment of their property (8a), the sovereign is not subject to any civil law and may possess, use, and dispose of anything by undiminished right of nature.

While this reading indeed shows the necessary impossibility of holding property as one’s own against the sovereign (in accordance with [8b]), it does not show, as (7) suggests, that this is *by virtue of* being subject to

sovereignty. On this reading, the sovereign may confiscate the property of his citizens simply on the basis of a natural right, and not, in other words, by virtue of being a *Lord*. The title to his subjects' property is indistinguishable from the title of enemies of the commonwealth who are not bound by the civil law either.

How, then, does Hobbes establish the necessary impossibility of holding property against the sovereign? OC 8.5, where Hobbes claims to have proven proposition (7), helps clarify matters:

[9] [a] A *Master* [*dominus*] . . . may say of his slave [*servus*] no less than of any other thing, animate and inanimate, *This is mine*. [b] It follows that anything that belonged to the slave before enslavement belongs to his *Master* afterwards, and anything the *slave* may acquire is acquired for the *Master*. [c] For he who has the right to dispose of a man's *person* as he pleases also disposes of all the things the *person* could dispose of. [d] There is therefore nothing that the *slave* can keep as *his own* against the *Master* [*dominum*]. (OC 8.5)

Subjects cannot keep anything as their own against the sovereign (8b, 9d) because they are, in accordance with Hobbes's conception of despotic sovereignty, themselves owned by the sovereign (9a). The sovereign, by virtue of being sovereign, has preeminent power over the citizens' possessions. Hobbes's defense of this conclusion is based on a commitment to the transitivity of *potentia*, expressed in the regress argument in passage (4). As noted, the regress argument is meant to show that the sovereign has preeminent power over all citizens, the greatest power possible in the commonwealth. Hobbes takes this to imply that, if a subject has power over *x*, then the sovereign has a greater power over *x* (4e). Hobbes uses this argument to establish a conclusion about the location of ownership. As he puts it in (9c), anyone who has the right to "dispose of a man's *person* as he pleases also disposes of all the things the *person* could dispose of" (see also OC 8.8, 9.5). And elsewhere: "if a *mother* has been captured in war, her *offspring* belongs to her captor, because he who has *Dominion* over a *person* has *Dominion* over everything that is hers" (OC 9.5; also OC 8.8). The captor has sovereignty over the mother and the mother has ownership of the child. From this follows that the captor has ownership of the child because the power that is a necessary constituent of both sovereignty and property is transitive. There is nothing subjects can keep as their own against the sovereign (9d, 8b), not merely because the sovereign lacks an obligation to refrain from interfering with their use and enjoyment of their possessions, but because subjects lack the

power, in the face of the superior power of the sovereign, to stop the sovereign from interfering with their possessions if he so desires (also OC 9.5).¹⁴

One might object that this conclusion is contradicted by Hobbes's admission that citizens may sue their sovereign if the legality of the sovereign's expropriations is in doubt. Such a suit would be impossible if citizens did not at least have a *prima facie* property title on the basis of the civil law (Abizadeh 2016: 405 develops this point with reference to L 21.19: 342 and OC 6.15 [passage 8]). When Hobbes denies that citizens can hold property against their sovereign he means to say that citizens are subject to the sovereign's absolute jurisdictional authority that *could* be exercised in aid of expropriation, not that subjects never in fact hold property against the sovereign. (Abizadeh 2016: 404–5) In *Leviathan* Hobbes does indeed admit the possibility of legal action against the sovereign when controversy arises about "right of possession of lands or goods" that is "grounded on a precedent Law" (L 21.19: 342). In the parallel passage in *On the Citizen*, however, he plainly denies that citizens may find recourse in the civil law. He admits that "legal action may sometimes be taken against the holder of *sovereign power*; but such action is not a matter of *civil law* [*juris civilis*] but of *natural equity* [*aequitatis naturalis*]" (OC 6.15). While citizens may draw on the institutions of civil law to protect their property against fellow citizens, in relation to the sovereign they cannot appeal to the civil law and are wholly at the mercy of his equity. Hobbes's treatment of the legal proceedings that may be initiated by subjects against their sovereign, then, does nothing to weaken the plausibility of the interpretation of *On the Citizen* here developed.

Conclusion

Interpreters have tended to ignore Hobbes's argument for despotic sovereignty, emphasizing rather his defense of a constitutional order that, in many of its practical effects, is indistinguishable from a liberal regime

¹⁴ Such exercise of *potentia* can be in the form of the exercise of jurisdictional authority: the sovereign may interfere with the possessions of citizens by commanding citizens to do with them what he desires. This is what seems to motivate the following assertion about the mother who has ownership of her child and is subject to the legislative authority of a sovereign: "if the *mother* is a citizen of a commonwealth, the holder of sovereign power in the commonwealth will have *Dominion* over her child; for he is Master also of the *mother*, and she is obliged to obey the sovereign in all things" (OC 9.5). The sovereign has ownership of the child because he can dispose of the child as he pleases by means of imposing binding law on the mother. See also (5c–d).

(e.g., Ryan 2012: 182). While perhaps fitting as an assessment of *Leviathan* (but see Tarlton 2002), those interpretations overlook Hobbes's profoundly non-liberal claim in *On the Citizen*, that the supreme magistrate, by virtue of his sovereignty, has full ownership of the citizens and their belongings. I have presented a novel interpretation of Hobbes's treatment of the concept of property, with the aim of showing that Hobbes completes a philosophically ingenious defense of despotic sovereignty. I have suggested that he draws on an archaic conception of property under the primordial law of nations, such as outlined in Gaius's *Institutes*, according to which ownership is established by physical seizure and dependent on continued possession. This conception of property permits him to conclude that the sovereign's ownership of his subjects and their possessions follows *conceptually* from his sovereignty: since the sovereign wields pre-eminent power over the citizens and (as power is transitive) the citizens' possessions, he necessarily owns everything in the commonwealth that can be owned.

CHAPTER 7

Sovereignty and Dominium: The Foundations of Hobbesian Statehood

Daniel Lee^{*}

Hobbes's *On the Citizen* offers an outstanding early modern example of a general theory of state, identifying the essential characteristics of statehood. Whereas many (though not all) early-modern political theorists approached the topic of state and public law by extracting general principles from a careful study of one particular state as an exemplary model (often Republican Rome), Hobbes's "science" of state formally avoided that academic habit of privileging the experience of any one state. As he explains in the "Preface," his ratiocinative approach moved beyond the historians and rhetoricians by trying to uncover "the matter of which a [state] is made . . . how it comes into being and the form it takes . . . For a thing is best known from its constituents" (DCv Pref. 9).¹

While recognizing the variety of forms that states can take, Hobbes crafted the argument of *On the Citizen* so that it satisfies a basic set of requirements, without which "no [state] comes into being [*civitas nulla fiat*]" (DCv Pref. 15). One of these is an effective and active sovereignty, a concept he labels using three different names – *summa potestas*, *summum imperium*, and *dominium* – and defines as the "right to give commands [*jus imperandi*]" (DCv 5.11).

But why is, as Hobbes insists, sovereignty *necessary* for statehood? Couldn't people simply congregate together without some sovereign lording over them and declare themselves a (sovereign-free) state? While classical political theory, notably Cicero, allows this construction, the

* I thank Kinch Hoekstra, Rosemarie Wagner, David Dyzenhaus, and the editors of the volume for advice and criticism on earlier versions of this chapter.

¹ "a civitatis materia incipiendum . . . ad generationem & formam ejus . . . Nam ex quibus rebus quaeque res constituitur, ex iisdem etiam optime cognoscitur." It is for this reason that *On the Citizen* served as a model, and the principal work of Hobbes, cited in this literature, to modern German-speaking jurists who pioneered the academic genre of the *Allgemeine Staatslehre*. For example, see Bluntschli (1863: 67); Jellinek (1900: 422); Heller ([1927] 2019); and Schmitt (1921: 11, 22–3, 31–2).

Hobbesian political theory of *On the Citizen* explicitly forbids this (Cicero, *De Re Publica* I.39). My goal in this chapter is to explain why Hobbes arrives at this strict conclusion. My analysis will require us to investigate more closely how Hobbes understood sovereignty as a relational concept, binding duty-bound subjects to right-holding sovereigns. The model Hobbes uses in chapters 8 and 9 of *On the Citizen* in revealing the content of sovereignty is ultimately a domestic one – *dominium*.

The State as Association

On the Citizen, 5.9, provides Hobbes's classical definition of the *civitas* in terms of personhood. It is, to wit, “one person, whose will, by the agreement of several men, is to be taken as the will of them all.” This classic definition, framed explicitly in terms of personhood, anticipates the canonical analysis in the theory of the state presented in *Leviathan* where, again, Hobbes defines state or “commonwealth” [the designated English equivalent in *Leviathan* for *civitas*] as a kind of person.² And it repeats the earlier formulation in *The Elements of Law* where a body politic (corresponding to *civitas* and commonwealth) is defined to be a “multitude of men, united as one person by a common power” (EL 19.8).

The identification of the *civitas* in terms of personhood is vital to Hobbes's project. All persons, whether natural or artificial, have agency (the capacity to act upon a will) and bear responsibility (or “ownership”) over such actions. To say that the state is a person is really to say that states have agency.

But states are marked by their associational character as well (cf. Oakeshott 1975: chapter 3; Runciman 1997). They are associations endowed with agency, a point that Hobbes explores in *On the Citizen* through his explicit appeal to the law of corporations by comparing the personality of the *civitas* to the legal personality of a corporation (EL 19.9) or company of merchants (DCv 5.10: *sodalitates mercatorum*). Both are, in Hobbes's reasoning, persons – specifically, “civil persons.” Just like the corporation or company, the *civitas* is similarly a person, separate from, and irreducible to, the individual members, the citizenry [*civitas*], that make up the state [*civitas*]. The company or corporation can thus do things like sue and be

² In *The Elements of Law*, however, the generic term for state is “body politic” – not “commonwealth” – although he acknowledges, at EL 19.11, that “the name be the general name for them both” (i.e., states by institution and state by acquisition). Cf. Skinner (1999); Runciman (2000).

sued in court, enter contracts, incur debt, own property, all of which accrue, not individually to each *civis*, but corporately to the *civitas* as a separate entity.

Hobbes skillfully exploits the double meaning captured by *civitas*, indicating both “state” as an independent political body, as well as the associated “citizenry” making up the state – the whole and those individual parts making up that collective whole.³ In this way, the Hobbesian *civitas* is understood to be, at once, the one and the many.

But it is important, at this stage of analysis, to raise a foundational axiom of Aristotelian origin: while states are associations, not all associations are states (Aristotle, *Politics* I.1, 1252a). Hobbes took this axiom to heart in chapter 5 (and correspondingly EL, chapter 19) which operates upon a background typology of different associational forms, of which the *civitas* or state is merely one species. The *civitas* is not the only kind of association visible in Hobbes’s social imagination. *On the Citizen* critically reveals two other associational forms that Hobbes apparently used as points of comparison to isolate the distinctive feature of the *civitas* – the *societas* and the *confederatio* (anticipating “confederacy” in *Leviathan* 15.5: 224; cf. LL 15.5: 225). But the *civitas* is more than simply a mere *societas* or *confederatio* (as Hobbes suggests at DCv 5.5) whose *socii*, or members (or, perhaps more precisely, “partners”), can in principle withdraw and leave the association at will.⁴

It is worth highlighting this vital, though understated, distinction in Hobbes’s analysis between *cives/civitas* and *socii/societas* in chapter 5 of *On the Citizen*. Both are associations, wholes made up of individual members. But is there any substantive difference between the two? The answer, suggested in *On the Citizen*, 5.7–8, is that the *civitas* is distinctive, in that it is a genuine and permanent “unity” (DCv 5.7), whereas the *societas* is not, a conceptual distinction that anticipates the *Gemeinschaft/Gesellschaft* distinction of that great German interpreter of Hobbes’s social and political theory, Ferdinand Tönnies (Mastnak 2015: 969). Indeed, the *civitas* is more than simply the contingent sum of its constituent members and the accidental consensus of wills, joined together in a loose, ever dissolvable,

³ Giovanni da Viterbo (c.1255–c.1307) argues that the term, *civitas*, actually originated as a syncopation of the phrase, *Citra vim habitas*. See Ando (2010).

⁴ *Societas* is the generic term used in medieval and early modern social and political thought to designate association. Its Greek equivalent was *koinonia*. Aristotle’s *koinonia politike* (the political association of equals, or *polis*) is translated into Latin as *societas civilis*. In the Roman law context, *societas* was a type of consensual contract in the law of obligations, the contract of “partnership,” discussed under the title, *Pro socio* (*Digest* 17.2).

voluntary association. Unlike the *societas* whose constituent *socii* retain their individuality, each in their capacity to decide by their own wills at any time to dissolve and leave that association (cf. DCv 9.6), the associative structure of the tightly bound *civitas* is, by contrast, unique in that it requires complete submission of the many wills to one uniquely designated will, taken to be the will of the whole *civitas*.

Hobbes's earlier presentation in *The Elements of Law* anticipates this division in the *On the Citizen* between *societas* and *civitas*, when he distinguishes between those assemblies of men joined together by "consent" or "concord" versus a genuine "union" requiring covenant and obligation (EL 19.4–6). Whereas consent indicates merely the accidental (and, thus, impermanent) "concurrence of many men's wills to one action" (EL 19.6), "union" does something more: it transforms those many wills into one will. Hobbes obliquely hints at this earlier formulation in the famous passage of *Leviathan* XVII, where he stipulates that the state, and only the state, can be a "real unitie" and, thus, something "more than [a mere *societas* or confederacy joined together only by] consent, or concord."

But this analysis distinguishing *societas* (joined together by consent or concord) from *civitates* (constituting real unions) raises a more fundamental question for the social and political theory developed in *On the Citizen*. What is actually required to create, out of many separate, self-interested individuals, a "real unitie," or *unio*? *On the Citizen*, chapter 5 indicates, in almost mystical language resonant with overtones of medieval idioms of *corpora mystica*, the need for some transformative process whereby the many can join together and even "coalesce" (DCv 5.12, 6.1: *coaluere*) into one civil person with one united will. That transformative process is made possible, Hobbes argues, through an act of voluntary submission. In order to make one civil union, it is essential that every individual "submit their Wills" to the will of the one individual (or assembly of individuals) designated to act as sovereign, in whose representative will the *civitas* becomes one.

In the juridical literature with which Hobbes had some familiarity – perhaps most prominently, John Selden and Hugo Grotius – this process of submission is depicted as a kind of commercial transaction, through self-sale into slavery (Tuck 1979: 78, referencing especially Grotius [1625] 2005: 1.3.8). But the analogy of commerce does not work so well in the case of natural rights because, as he observes in *The Elements of Law*, "it is impossible for any man really to transfer his own strength to another, or for that other to receive it" (EL 19.10). Unlike transactions where tangible commodities exchange hands, the sort of transaction Hobbes has in mind

here (DCv 2.4–5) is instead a commerce in natural rights, transacted by the use of “signs,” where the commodity exchanged is not so much one’s physical strength or power, but instead, one’s natural *right* to use such power, so that some other party, the transferee, is empowered with the right formerly held by the transferor.

So, what exactly happens when one surrenders and transfers one’s right to someone else? Hobbes’s answer is that the transferor is immediately bound, by a bond of obligation, to the transferee. The substance of that obligation, as Hobbes puts it in *The Elements of Law*, is a duty of *non-resistance*: “To transfer a man’s power and strength, is no more but to lay by or relinquish his own right of resisting him to whom he so transferreth” (EL 19.10). The same point is again made in *On the Citizen* II, when he stresses that “transfer of right consists solely in non-resistance” and nothing else (DCv 2.4; cf. DCv 5.8).⁵ When, therefore, a prospective citizen mutually covenants with other like-minded individuals to form a state by “transferr[ing] all his own force and power” to a sovereign, he is really doing something else – “giv[ing] up his right to resist” (DCv 5.11). And that is just because “no one can literally transfer his force to another” in the same way that one can transfer a tangible asset.

But, at this point, I think it is important for us to pause and observe what, in my opinion, is probably one of the major weaknesses in the argument of *On the Citizen*. The weakness is that Hobbes is trying to produce a general theory of the state that combines two different ideas. On the one hand, Hobbes tells us that the state is a *person* because it is, like any natural person, an entity endowed with a unique will. Yet, on the other hand, Hobbes tells us that the state is really something else, a *structure of submission*, in which subjects are duty-bound not to resist their sovereigns.

Hobbes may be right in thinking that states are constituted by relations of submission, whereby some class of individuals (subjects) are bound by a covenantal obligation of non-resistance to some other party (their sovereign). But it does not follow from this act of submission that subjects and sovereigns therefore “coalesce” to form a union with one will and, thus, one civil person – at least not without some additional theory of representation which, unlike *Leviathan*, *On the Citizen* does not introduce or develop in any explicit way (see Douglass 2018).

⁵ There is a longstanding interpretive debate whether this negative duty of non-resistance, as formulated in *On the Citizen*, entails a positive duty of obedience. For an overview of the literature on this question, see note 10 in Chapter 6. I would add, for additional context, the discussion of the Great Tew Circle in Tuck (1979: 101–18).

The problem can be illustrated by a revealing passage in chapter 10 of *On the Citizen* that exposes how effortlessly Hobbes tried to slide from the one conception of state to the other. The passage was a critical response to, as Hobbes puts it:

the view which denies that a commonwealth made up of any number of slaves under one common Master is a commonwealth at all. At v.^o, [Hobbes continues to write] a *commonwealth* was defined as one *person* formed from several men, and his will is to be regarded by their own agreement as the will of all of them, so that he may make use of individuals' strength and resources for the common peace and defence. By the same article of the same chapter, *one Person* exists, when the wills of several men are contained in the will of one man. But the will of each slave is contained in the will of his Master . . . so that he may make use of their strength and resources as he pleases. It follows that it is a commonwealth which is formed from a *Master* and a number of *slaves*. (OC 10.5)

No one, I think, would doubt that a legal slave is subject to the dominion of its master. But it is difficult to see, as Hobbes insists at DCv 10.5, why the slave's submission to the master must, therefore, make the slave and master one person and even one state. It would be one thing to say that Joseph, by sale, was reduced to slavery under the dominion of his Egyptian master, Potiphar. It's another, however, to say that Joseph and Potiphar should be, for that very reason, "coalesced" into one person and even (if we might imagine Joseph and Potiphar to be in the natural condition) one despotic state populated by just one subject, Joseph, whose sovereign was Potiphar. Domestic slavery is assimilated into political subjecthood.

What all this suggests, I think, is the need to decouple Hobbes's theory of the state's personality (or "unity") from the theory of the sovereign's rightful dominion over its covenant-obliged subjects, both of which are presented in *On the Citizen* as essentially two sides of the same coin.

Dominium in Personam Alterius

What Hobbes needed to provide, in order to complete his theory of state, was a fuller explanation showing precisely how the wills of many individuals can "coalesce" to form one union with one will (rather than many wills that just happen to coincide upon one joint action). It was, indeed, urgent for him to provide this explanation; otherwise, his readers might mistakenly conclude that a loose association based on mere concord or consensus as in a *societas* or *confederatio* can be sufficient for the coalescing of wills to somehow magically happen.

His chosen strategy was to explain the unification of wills in terms of submission – of subjects to their sovereigns. The concept of “submission” was useful to Hobbes, for several reasons. One is that submission reveals, at some basic level, a process of deliberative choice. Submission also activates obligation since it involves alienating a right of resistance.

Most important, however, is the point that submission, by definition, is a relational concept, requiring at least two distinct parties. A corollary which immediately follows is the principle that self-submission (or self-binding) is conceptually incoherent: one cannot really obey or “submit” to oneself, just as one cannot really make a promise to oneself or owe a debt to oneself. Anybody who has ever broken a new year’s resolution such as a self-imposed diet will know why. If one is to be bound by submission, someone else must do the binding.⁶

Hobbes stipulates in chapter 5 of *On the Citizen* that, in states, these two roles are performed by subjects and sovereigns. But it is an analysis that doesn’t fit very well with a classical view of the state [*civitas*] as a citizen-body [*civitas*], or as Aristotle describes it at *Politics* III.6, an “association of equals.” If states are associations made up of *cives*, to whom do these *cives* submit exactly? What Hobbes audaciously suggests is that all *cives* must submit and should properly be regarded as duty-bound to their sovereign.

Lest his readers should misunderstand what he means, Hobbes inserts a shocking illustration to make his point abundantly clear. The covenanting individual who, by pact, joins and is folded into the *civitas* is not just a *civis*. That individual becomes a *servus*, or slave, and this is so for one very important reason: she is bound by obligation, in just the same way that a slave is understood to be bound – not so much by physical chains or restraints, as conquered prisoners are so restrained against their will [*vinculis ligare*] – but by moral chains, the bond of obligation not to resist, but to obey, her *dominus/a*, or master.⁷ What makes the state distinctive and different from other kinds of association, then, is this *dominium* and the subservience of duty-bound slavish citizens to their common *dominus*.

The suggestion that the *civis*, the citizen-member of a *civitas*, should really be regarded a *servus* under the power of a *dominus* must have been especially alarming in early-modern England (Baumgold 2010; Luban

⁶ This implication of this analysis for the theory of sovereignty is most fully developed by Bodin (1586: 85) in a commentary on the doctrine, *LA Titio§Nulla promissio* (Digest 45.1.108.1).

⁷ The gender-neutrality of mastery is made explicit in DCv 9.3, where Hobbes explains that, in nature, mothers [*dominae*], rather than fathers [*domini*], acquire the first right of dominion over offspring.

2018; Nyquist 2009). Hobbes was deeply sensitive to the politically incorrect quality of the language of *dominium* and the imagery of despotic rule and slavery it evoked. For this reason, the term is almost entirely (but not completely) absent in the discussion of the *civitas institutiva*, unlike its conspicuous and freewheeling use as the central organizing concept of statehood in the later discussion of the *civitas acquisita*.⁸

Of the various uses of this term in classical Latin, *dominium* (and the related *dominus*) performed chiefly a legal function as a term indicating, above all, property ownership and legal control over an estate. Such title of ownership could, of course, be asserted over movables as well as immovables. But what is critically important to note here is that ownership, in classical law, could also be asserted by one human being (as *dominus*) over another human being (as *servus*) – in another word, a slave.⁹ Medieval Latin, as developed in a hierarchical feudal culture without legal slavery, further complicated the understanding of the term, repurposing it as a quality *not* of masters over slaves, but rather, of landlords over their enfeoffed tenants. A *dominus*, therefore, could indicate a person with a right not only over *servus*, but also over – as Hobbes puts it in a revealing line – a “*serviteur . . . serf, or esclave*” (DCv 8.2).¹⁰

In Anglicizing *dominium*, Hobbes often – though not exclusively – uses the term “dominion” to capture the meaning of its Latin equivalent.¹¹ He even specifies, at a crucial point, that such “right of possession [whether *in personam* or *in rem*] is called dominion” (L 16.4: 244; cf. LL 16.2: 245: *Ius habendi, Dominium*), while adding the caveat that there can be “no dominion of persons” in nature.

Modern scholarship on Hobbes and, more generally, on early-modern English political thought has rightly highlighted the potent discourse of slavery and the vital importance of classical Roman law in shaping that discourse, by marking the contrast between the two principal categories of persons in the Roman social and legal imagination – slaves [*servi*] and free

⁸ Hobbes mentions *dominium* in DCv 5.11; it appears again in DCv 7.16 in his discussion of democracies.

⁹ Hobbes uses it both in the sense of property ownership and mastery (cf. Chapter 6). But slaves are distinctive: even though they are objects of property, they are bound by obligation owing to their masters, whereas other objects of property cannot be so bound. I thank Rosemarie Wagner for highlighting this point.

¹⁰ Tuck and Silverthorne argue that this reveals Hobbes intention of addressing a French readership (OC 8.2n). Kinch Hoekstra has suggested to me that Hobbes’s source might be Law French. But I would suggest another source: Book I of Bodin’s French *République*, which deals specifically with the *esclave*, *serviteur*, and *serf* as categories distinct from a proper *sujet*.

¹¹ Sometimes, Hobbes clarifies by pairing together “dominion” with “propriety,” as at L 13.13: 196: “no Propriety, no Dominion.”

persons [*liberi homines*]. A famous passage by Ulpian in Justinian's *Digest* (50.17.32) summarizes the standing of slaves in the civil law: "Slaves count for nothing" [*Pro nullis habentur*].

That classical legal contrast between free persons and slaves, it has been argued, was essential in framing a distinctively "neo-Roman" or republican concept of liberty. To be free, according to this "neo-Roman" republican view, requires freedom appropriate to one who is free and *sui juris* – i.e., free from dependence upon the arbitrary *dominium* of a master (*dominus*), even a permissive *benevolens dominus*. Early-modern English republicans, it has additionally been argued, drew upon this neo-Roman theory to argue that, so long as Englishmen were ruled under the *dominium* and arbitrary policy of Stuart kings, they could never fully and securely enjoy their liberty as Englishmen, a thesis which Hobbes vehemently opposed in crafting his own explicitly anti-republican position that even a slave, though legally *in potestate domini*, could nevertheless be free.

So much of the academic treatment of Hobbes's engagement with slavery discourse and the concept of *dominium* has concerned this neo-Roman republican theory of freedom that it has generally neglected to consider what I now want to argue is a central purpose of Hobbes's appeal to the concept of *dominium* – that is to formulate his own *allgemeine Staatslehre* – or general theory of the state. In short, Hobbes seems to think that all states, of all varieties, are structures of *dominium*.

This thesis is perhaps easiest to demonstrate through Hobbes's discussion of those "natural" or "acquired" states [the *civitas naturalis, sive acquisita*; cf. "commonwealth by acquisition" in *Leviathan*], states where the conquering sovereign rules over a vanquished party as a *dominus* or (what is the same thing) as a despot. Such conquered or "acquired" states exemplify the *dominus-servus* relationship, such that subjecthood under a sovereign is thought to be equivalent to slavery under a master. Indeed, Hobbes even goes further to argue that, historically, the first states were families (DPS 135; cited and discussed in Sommerville 1992: chapter 3; see also Hoekstra 2006a).

But this vertical structure of *dominium*, with its overtones of slavery binding *servus* to *dominus*, is not exclusive to such "natural" states, acquired by the brute force of conquerors. Indeed, *dominium* is to be found in all states, even in the *civitas institutiva*, the state formed through a mutual pact of individuals. Readers of Hobbes, accustomed to associating the overtly despotic language of *dominium* and "dominion" with commonwealths by acquisition, will perhaps find this suggestion controversial, and so I will need to say a little bit more in defense of this interpretive position.

Chapter 8 of *On the Citizen*, a chapter ostensibly on “the right of masters over their slaves” [*de jure dominorum in servos*], offers a useful point of entry. At first glance, the title of the chapter suggests that Hobbes is only interested in explaining the origin of slavery – that is, how one acquires a legal right of *dominium* over slaves. And not surprisingly, much of the chapter is an exploration of the origins of slavery by the right of conquest. On this doctrine, a right of *dominium* is activated at the conclusion of war, when the conquered party [*captus*] bargains with his life through an open-ended promise to serve [*servire*] the conquering party [*victus*] and “do all that he shall command” [*imperabit*] in perpetuity, in exchange for mercy. The conqueror, thus, acquires a “right of dominion” [*jus dominii*]; the conquered “the sparing of his life” [*vitae condonatio*] (DCv 8.1).¹²

But Hobbes’s deliberate, and awkward, phrasing of that acquired right, “dominion over another person” [*dominium in personam alterius*], in the opening paragraphs of chapter 8 suggests that he is trying to explain more than just the origin of slavery by some ancient title of conquest, but instead, the origin of all forms of subjection, domestic or otherwise. Indeed, there is a useful inbuilt ambiguity and semantic elasticity in Hobbes’s notion of a *dominium in personam alterius*. He certainly could be asking, on the one hand, how one person enslaves another person, as a civil lawyer referencing the *jus gentium* might (*Digest* 1.1.5). But he could just as well be asking, on the other, how one comes to assert sovereignty over another person, as a political theorist might.

He is doing both in chapters 8 and 9 of *On the Citizen*, and that is because *dominium in personam alterius* is meant to encompass both relations of sovereignty and relations of mastery.¹³ We can be reasonably sure that this is Hobbes’s intention since he makes the stunning point that *dominium in multas personas* makes the holder of that right, not simply a domestic *dominus* or *despotes* with despotic mastery over the household, but something even more – a sovereign king, a *basileus* with political authority, over the household. It is precisely this conceptual cross-fertilization of relationships from household to state, and vice-versa, that inspires his bold assertion in the opening of chapter 8 that a *regnum* is nothing but a *familia magna*, just as a *familia* is nothing but a *regnum*.

¹² This is an etymology drawn from the *Digest* 1.5.4.2.

¹³ See Chapter 6, as well as the earlier study of Zarka (1992). I have treated the use of *dominium* in the later medieval private and public law contexts in Lee (2016: chapter 3). A recent work integrating some of these findings into Hobbes’s theory of sovereignty can be found in Abizadeh (2016: 400–11).

parvum (DCv 8.1). Both are two sides of the same coin, in that they both require the same unifying right of *dominium*, whether that of a father (paternal *dominium*), a master (despotic *dominium*), or a sovereign (political *dominium*).

While this statement has sometimes been taken to be a sign of Hobbes's anti-Aristotelianism, apparently violating that most basic principle of *Politics* I.1 that the “oeconomical” analysis of the domestic *koinonia oikonomike* (= household) must ideally be kept separate from the “political” analysis of the civil *koinonia politike* (= state), Hobbes seems actually to be aligning his own analysis with Aristotle's.¹⁴ Indeed, readers of Aristotle sometimes overlook his general purpose in segregating the *oikos* from the *polis*, which was fundamentally a normative statement, as he lays it out in *Politics* III.6: the “correct” government of a *polis* requires the application of principles specifically suited to political life among citizens of equal status making up the *polis*. It would, for Aristotle, be “incorrect” or “deviant” to apply principles suited to domestic or “oeconomical” government among individuals of unequal status. But, as a point of empirical observation, Aristotle admits that there are, in fact, states which are governed in the “deviant” or “incorrect” manner – especially in the politics of democratic and oligarchical states driven by class conflict. So, even if they might be undesirable, it is nevertheless possible to observe states whose government approximates more the oeconomical “rule of master over slave” rather than political rule over “an association of free men” (*Politics* III.6, 1279a16).

When Hobbes equates a *familia magna* to a *regnum parvum* in chapter 8 of *On the Citizen*, he is making a classically Aristotelian move, by recognizing the *de facto* reality of states that are governed as if they were domestic households under the *dominium* over its ruler. Hobbes, however, takes a further, bolder step beyond Aristotle, whose more modest purpose was simply to acknowledge the reality of despotical regimes. Aristotle limits this really only to the regime-type he catalogued as the “fifth kind of kingship” in *Politics*, III.14, which can be described, with equal accuracy, both as a despot's “kingship over the household” as well as a king's “mastery over the state.”

For Hobbes, however, the despotic *dominium* over a state is not simply one kind or style of rulership, much less an “incorrect” or “deviant” kind of

¹⁴ One indication of this appears at DCv 5.12, which uses Aristotle's distinction at *Politics*, III.6: “One kind [of state] is natural, like the paternal and despotic; the other is the kind [of state] which is by design, and which may also be called political.” The implication is that states by institution correspond to Aristotle's “correct” constitutions governed “politically,” while states by acquisition correspond to those “deviant” constitutions governed “despotically” as if an *oikos*.

rulership. It is instead, for Hobbes, the only kind of rulership. *Dominium* is the quintessence of what jurists (above all, Bodin) called *summum imperium*, the model for what sovereignty over a state – in all its possible forms – is supposed to look like.

This is probably easiest to see in the so-called acquired states, where *jus dominii*, or “right of dominion,” over other persons is acquired by conquest and patrimony, respectively. But it is vital to observe that Hobbes also treats “institution” as an equally valid way by which one can acquire *jus dominii*.¹⁵

It is this third method, institution, that is most important for my argument: mutual covenant, of the sort constitutive of a *civitas institutiva*, can also activate a right of *dominium*, the very same kind of *dominium* created through conquest and patrimony. This happens, Hobbes explains, when individuals voluntarily bind and subject themselves, “under the authority of some man, or assembly of men” [*in ditionem & dominium alicujus hominis, vel coetus hominum*]. Hobbes even describes such an act of voluntary self-binding – or perhaps more accurately, self-enslavement – in the explicit language of *dominium* in chapter 5, in describing the *civitas institutiva* as the state wherein “citizens impose a *dominus* upon themselves by their own decision, whether that be one man or one group of men with sovereign power” (DCv 5.12).¹⁶

Hobbes’s point is that the pact of association needed for a *civitas institutiva* is really just a collective agreement facilitating a mass self-enslavement, an act whose effect is no different from the promise made by a conquered slave to conquering master. Both activate exactly the same *jura dominii*. So: if you are prepared to accept legitimacy of a sovereignty created by institution, you must also, for consistency’s sake, be prepared to accept the legitimacy of a sovereignty established by acquisition.

It is worth observing that Hobbes seems to change his tune in the corresponding discussion on “dominions despotical and paternal” in chapter 20 of *Leviathan*, where he finally declares that “dominion is acquired two [not three] ways: By Generation and by Conquest” (L 20.4: 308). While acknowledging that “the Rights and Consequences of both *Paternall* and *Despoticall* Dominion, are the very same with those of a Sovereign by Institution” (L 20.13: 314), he refuses to use the language of dominion or slavery in connection with commonwealths by institution.

¹⁵ This is true even for democracies where, as Hobbes says, “populus enim dominus civium talis est” (DCv 7.16).

¹⁶ “cives arbitrio suo imponunt sibimet ipsis dominum, sive is sit unus homo, sive unus coetus hominum, cum summo imperio” (cf. EL 22.2).

Does this striking shift in language reflect a corresponding revision in the theory of sovereignty? My view is that it does not. The fundamentals of Hobbes's theory of sovereignty have not really changed. What *has* changed is the readership. If his defense of sovereignty is going to have any chance of passing muster among an English readership that just executed a monarch accused of being a despot, it must be sanitized of even the slightest hint that sovereignty over subjects is reducible to dominion over slaves. Hobbes, therefore, has to keep his theory of sovereignty in *Leviathan* pristine, and he is exceptionally skillful in concealing the centrality of dominion in *Leviathan*, where his presentation of the rights of sovereignty in "commonwealths by institution" – the state originating by mutual covenant – assiduously avoids any explicit mention of dominion or despotic mastery.

But if Hobbes's purpose in *On the Citizen* is to offer, as I believe it is, a general theory of the state, we cannot avoid this foundational, if unsettling, conclusion that all states, even those "states by institution" created through social contract, are ultimately structures of *dominium*.

Dissolution of States

The thesis I have been defending so far is that all states, whether those originating by institution or by acquisition (and acquisition, whether by conquest or by parentage), share in common this basic feature of *dominium*, positioning sovereign over subject, in the same manner that the civil law positions *dominus* over *servus*. Hobbesian statehood requires an active *dominium* if it is to be something more than a mere *societas* or *confederatio* based on a transitory concurrence of wills, rather than a real *unio*.

This analysis raises an important interpretive question: if all states are ultimately structures of *dominium*, defined by relations of submission (whether of slaves to masters or subjects to sovereigns), then what is the point, if any, of the distinction between states by "institution" and states by "acquisition"? I want to conclude by offering one suggestion.

The distinction, between states by "institution" [= *civitas institutiva*] and states by "acquisition" [= *civitas naturalis, sive acquisita*] enables Hobbes to offer two varying accounts on the *dissolution* of states – or, more specifically, dissolution of the bond tying members of states together as one union. Recall that what distinguishes the *civitas* from other looser forms of association such as *societas* or *confederatio* is the bond of obligation. Given that all states are, by Hobbes's definition, associations of subjects duty-bound by obligatory ties of submission owed to sovereigns

(as opposed to mere associations of free confederates or *socii*), Hobbes thinks it is only reasonable to wonder how those bonds of obligation can subsequently be dissolved and, thus, exempt or release subjects from their duties owing to sovereigns (cf. EL 21.12).

Not surprisingly, the answer ultimately depends on how subjects are bound [*ligata*] in the first place to their sovereign *dominus/a* – whether that was by acquisition (whether despotic or paternal) or by pact-mediated self-imposed institution. Consider, first, states by acquisition – what he later calls “patrimonial kingdoms” [*regnum patrimoniale*] (DCv 9.10). Hobbes specifies that *dominium* in these states originates in precisely the same way that one legally acquires rights of *dominium* over slaves and over children – originally either by conquest or by birth, but also by legal means involving transfer of right, such as sale, pledge, or inheritance (DCv 8.6).

While, in principle, one’s *dominium* over another is intended to be permanent and continues indefinitely, it is also entirely up to the *dominus/a* (DCv 8.6: *pro arbitrio suo*; cf. EL 22.5: “at his pleasure”) to decide if s/he wants to get rid of that *dominium* as well. But how can a *dominus/a* rid himself/herself of *dominium*? Here, I think it is important to proceed with caution. Hobbes very carefully distinguishes between the value-laden asset (in this case, the *dominium in personam alterius* – and not the person, since it is the *dominium* and the implied trust that comes with it that makes the person a duty-bound *servus* rather than a chain-bound *ergastulus* – cf. DCv 8.2–3) and the legal right to that asset (the *jus dominii*, or what Hobbes, in English, consistently renders the “right of dominion”). When Hobbes asks how *dominium* can be gained and lost, what he is really asking about is the actionable *right* to that *dominium*.¹⁷

Once we can see that this is really a discussion about alienating rights (in this case, rights over a title of *dominium* over another person), the argument becomes much simpler to access, and that is because he has actually already supplied the answer to this conceptual issue earlier in chapter 2 of *On the Citizen*:

One is said to give up [*decedere*] a right [including even rights of dominion] either when he simply renounces it [*simpliciter renunciat*] or when he transfers it to someone else [*in alium transfert*]. (DCv 2.4; cf. EL 15.3)

¹⁷ Hobbes even accepts the important distinction between the “right” and “exercise” over some asset, so that it is possible to distinguish between the owner’s “right of sovereignty” [*jus summi imperii*] and the usufructuary’s use/exercise of sovereignty [*usus summi imperii*], as at DCv 7.16, 13.1. Cf. L, chapter 21.

This distinction between renunciation or transfer of a right, so critical to his analysis of natural rights of individuals, also performs a crucial function in his analysis of sovereign rights as well.

Like individuals in nature, anybody holding an acquired title of dominion – whether as a master or as a parent – can similarly renounce or transfer. Thus, a slave purchased by sale can again be released by another sale transferring the right of *dominium* to a new *dominus* (DCv 8.6). A slave conquered in war by a *dominus* is released and effectively transferred to another new *dominus* by another act of conquest – i.e., the conquest of the original *dominus* by the new *dominus* [*dominus supremus*] (DCv 8.8). The same is true for children. A child abandoned by the natural mother and later raised by another non-natural parent has been effectively transferred into the latter's dominion (DCv 9.4).¹⁸

But Hobbes also allows that a *dominus/a* may renounce, or unilaterally surrender, the right of *dominium*, as if it were an act of grace and absolution, without it being part of any other commercial transaction or bargain and without expecting any consideration or benefit in return. Thus, slaves can, in principle, be released from bonds and restored to their natural liberty by “manumission” (DCv 8.9; cf. EL 22.7). Likewise, children can be released from bonds and restored to their natural liberty by “emancipation” (DCv 9.7; EL 23.8).

Hobbes devotes considerable attention to these details because he sees a vital lesson that can be drawn when comparing children, slaves, and subjects to each other. Since states are all essentially structures of *dominium*, it follows that release from *dominium* in one case should also apply to all other cases as well. Thus, he conjectures that “a slave is freed [*liberatur*] from servitude in the same ways as a subject in a commonwealth by design is freed from subjection” (DCv 8.9; EL 22.7). And again, “children are also released [*liberatur*] from subjection in the same ways as subjects and slaves” (DCv 9.7).

It remains only to investigate states by institution which, like despotic and paternal dominions, are also fundamentally constituted as structures of *dominium*. Since sovereigns of all forms (whether monarchical, aristocratic, or democratic) have rights of dominion over their subjects,¹⁹ it should follow that “rights of sovereignty” – i.e., the sovereign's rights of dominion

¹⁸ EL 22.8 is even more explicit concerning the sort of transactions by which paternal dominion over a child can be transferred, such as by sale or by being pawned as a hostage.

¹⁹ The equivalence of “right of sovereignty” and “right of dominion” is established at DCv 9.10, 9.11, and L 20.14: 314.

over duty-bound subjects (which are, in every way, equivalent to rights of dominion, save in their mode of origin) – can, like any other right, be alienated as a voluntary act of sovereign will, whether by renunciation or transfer.²⁰

And indeed, this is exactly what Hobbes argues in explaining cases where sovereignty is lost. The right may be transferred from one sovereign to another prospective sovereign, and he uses the juridical language of commercial transactions to stress the right “to transfer sovereign right to another party” (DCv 9.13: *transferre in alium*; cf. DCv 2.4: *in alium transfert*) “whether by gift or by sale” [*donare vel vendere sive dono sive pretio*].

But, most remarkable of all, Hobbes makes it clear in *On the Citizen* that sovereigns, if they so choose, could even renounce totally and irrevocably their right of sovereignty. And the reason is obvious for Hobbes: “He that can bind, can release” (L 26.6: 416; cf. EL 21.12).²¹ Since the right of sovereignty is really just a right of dominion over duty-bound persons, renunciation requires nothing short of releasing those bound, whether of one subject, of multiple subjects, or (in principle) of all subjects, in a manner directly analogous to emancipation of children and manumission of slaves.

Why would a sovereign willingly want to rid itself of subjects? One line of reasoning, inspired by “reason of state,” might be a concern for something like national security, where exile or banishment is necessary for the welfare of the state. Dissolution of the sovereign-subject bond, whereby erstwhile subjects are freed of any residual bond of obligation and restored to their natural liberty, might be an extraordinary punitive measure, to de-naturalize and remove especially troublesome subjects from the protections provided by the state and return them to horrors of perpetual war (DCv 8.9; 9.7; cf. EL 21.12; L 21.24: 346).

But he hints, in passing, at another intriguing reason why sovereigns might consider giving up their right of dominion over subjects – that is, to enable them to emigrate permanently. This suggestion appears at *On the Citizen*, 8.9 where, in defining manumission as *libertatis donatio* (probably from *Digest* 1.1.4: *datio libertatis*) granted by a master to slaves as an act of

²⁰ Cf. Hoekstra (2015: 242–52), *sub titulo* “Inalienability of Sovereignty,” observes that commentators, such as Noel Malcolm, attribute to Hobbes a doctrine of sovereign inalienability, possibly a result of the Militia Ordinance. The interpretive debate, in my view, tends to obscure four points – whether sovereignty can be (1) alienated, (2) divided, (3) prescribed, or (4) delegated. The analysis here deals only with (1).

²¹ The ultimate source for the principle is the *LNihil tam naturale* (*Digest* 50.17.35), that would be foundational to modern theories of legislative sovereignty. See Lee (2018).

grace, Hobbes compares it to those situations where “a state allows a citizen to move to another state” (DCv 8.9: *civitas civi permiserit in aliam civitatem se transferre*).²²

Leviathan makes no mention of anything like emigration or naturalization in the corresponding passages on exile (L 28.21: 492) and banishment (L 21.24: 346). Indeed, Hobbes’s overall treatment of the ways by which subjects are released or “absolved” of their duties owing to their sovereigns in chapter 20 of *Leviathan* is noticeably different from the treatment in *On the Citizen*, in that *Leviathan* seems to assume that no right-minded sovereign would ever willingly or knowingly want to relinquish their sovereign rights if they do not have to. Though he grudgingly acknowledges that sovereignty is “not only subject to violent death, by foreign war; but also through the ignorance, and passions of men, it hath in it, from the very institution, many seeds of a natural mortality, by Intestine Discord” (L 21.21: 344), Hobbes makes it sound as if the loss of sovereignty (and, correspondingly, the loss of duty-bound subjects) is always simply the product of political misfortune or miscalculation, but never deliberate choice. No sovereign actually *wants* to lose *dominium in personas*, but that is just the reality of a world where states, out of necessity, have to (be prepared to) fight wars abroad and deal with upstart subjects causing trouble at home.

On the Citizen, by contrast, lacks the uneasy reluctance in *Leviathan* to acknowledge that sovereigns can indeed release subjects from subjection, even if that means diminishing the scope of their sovereignty. The difference in presentation reflects what I believe is the especially juridical quality of analysis in *On the Citizen*, which constantly stresses the point that sovereignty is ultimately a right. One implication of this is that, like any other right (including even natural rights), sovereign rights can licitly be alienated and renounced, just as it can be delegated for others to exercise (DCv 7.16; 13.1). And it can do this for whatever reason the sovereign decides, as it is the sovereign’s right to do so.

But while it is one thing to say that sovereigns can, by right, renounce and alienate their sovereignty, it is another to indicate precisely how a sovereign goes about accomplishing that task. He does not say too much on this topic, but leaves, I think, just enough in the *On the Citizen* for us to piece together how this would work.

²² The Latin, however, does not seem to suggest a physical move requiring territorial relocation. *Transferre* suggests instead something like loss of membership in one state, so that it may be possible to acquire membership in another. See, in general, Abizadeh (2016).

The key to making sense of all this is the Hobbesian point investigated above that sovereignty is *dominium* and, thus, ultimately a relational concept binding a subject under duty owed to a sovereign. Given this, one way of understanding a sovereign's loss of sovereignty is to think of it as someone else's release from *dominium*. We have already seen that Hobbes identifies numerous methods by which one is released from *dominium*.

But it matters a great deal whether a sovereign releases a subject (and, thus, relinquishes their sovereignty) in a private or a public capacity. Consider, for example, manumissions and emancipations. Such methods of release are ultimately private acts invoked by masters and fathers to release, respectively, their slaves and children from their despotic or paternal *dominium*. What is key to underline is that even sovereigns – of acquired states – can invoke manumission and emancipation when releasing subjects from their bond of obligation as a private act of grace. That is because sovereigns, whether by despotic or paternal title, do not differentiate between their private and public identities, nor do they differentiate between the status of slaves, children, and subjects, since they are all under the same personal rulership – and mercy – of their *dominus*. Private *dominium* just is public sovereignty.

Such methods of release are entirely inappropriate, however, in states created, or “instituted,” by pact, and that is because release of a subject is not so much a *private* act of the sovereign, as it is a *public* act of state. States formed by pact, or covenant [*civitas pacto institutiva*], are civil associations created ultimately by individuals agreeing “with each of the rest” [*caeterorum pacto*] (DCv 5.7) to subject themselves to some named *dominus*, to whom every prospective member’s natural right is transferred. Needless to say, this is an unusual pact, not least because it is an agreement that activates two distinct obligations – (1) the “horizontal” obligation mutually binding individuals to each other, and (2) the “vertical” obligation activated upon transfer of natural rights to the prospective sovereign. The latter obligation is common to both instituted and acquired states, but the former is unique to instituted states. The difference between the two is in the “obligee” of the obligation. In the latter “vertical” obligation, the “obligee” is the sovereign over subjects who are all “obligors.” In the former “horizontal” obligation, by contrast, every member of the association is both “obligee” and “obligor” with respect to each other.

Subjects of instituted states are, thus, doubly-bound – by duties owed to their sovereign, and also by duties owed to each other. Double-bond entails a corresponding double-release, so it is not sufficient simply for a

sovereign personally or privately to absolve and release, as by manumission or emancipation, a subject from the duty to obey the law, so that the subject enjoys *exemptio a legibus civitatis* (DCv 9.9). Something more is needed for a full release (as opposed to a mere grant of privilege), and this can only be provided by the *civitas*. But since a *civitas* speaks and acts through its sovereign, it is ultimately the sovereign (or its designee – in practice, a court to which petition for release can be made) who can make this happen. And this is what happens when a state declares a formal dissolution of the obligatory tie, making one not only a *subditus* of a sovereign, but also a member – indeed, a *civis* – of a *civitas*.

What I think all this also reinforces is the general point that I wanted to explore in this chapter, which is the basic unifying principle of Hobbes's own *Staatslehre*. States are structure of *dominium*, but what that also means is that they are intersecting webs of obligations. It has become customary in modern political science to treat states as ultimately territorial in nature. What the political theory of *On the Citizen* presents us with is a theory of statehood based not so much on territoriality, but on the bond of obligation, and the associated rights and duties that flow forth from it.

CHAPTER 8

Corporate Persons without Authorization

Michael J. Green

Thomas Hobbes's interest in corporate persons is well known. He describes the commonwealth as a person and, to make his meaning clear, the frontispiece of his major work is dominated by a picture of a king whose body is made up of his subjects. In chapter 16 of *Leviathan*, Hobbes uses a theory of authorization to explain how corporate persons are formed. He asserts that a person must be capable of speech and action and maintains that an unorganized multitude of separate natural persons fails to meet these conditions. While the members of the multitude are capable of speaking and acting for themselves, no one can speak for the group as a whole. If they wish to form a corporate person, Hobbes claims, they must authorize a common representative to speak and act for them. In authorizing a representative, each member of the group owns the representative's words and actions. When all the members of the group do this, the representative is capable of speaking and acting for them all. This, Hobbes maintains, makes the group a corporate person because it means the group is capable of speaking and acting in its own name.

While the theory of authorization is unique to *Leviathan*, the attempt to explain the nature of corporate persons is not.¹ In his earlier work, *On the Citizen*, Hobbes tries to explain what distinguishes a disorganized multitude from a corporate person in several places. In this paper, I will examine three of these attempts. According to what I will call the compulsion account, corporate persons are formed when the members of a group are all compelled to follow the direction of a natural person or assembly. According to what I will call the obligation account, corporate persons are formed when the members of a group make binding agreements to submit to a natural person or assembly. According to what I will call the voting rules account, a corporate person is formed when the members of a

¹ Douglass (2018) argues convincingly that the authorization doctrine does not represent a sharp break in Hobbes's theory.

group adopt voting rules to make collective decisions.² In each case, I will begin by describing the account of corporate persons and then evaluate it both on its own merits and also in comparison with the authorization account in *Leviathan*. While I will argue that the discussion of corporate persons in *Leviathan* is generally superior to that given in *On the Citizen*, I will also show that Hobbes needs to retain *On the Citizen*'s voting rules account if his theory is to explain the nature of the sovereign in democracies and aristocracies. Since the voting rules account conflicts with the authorization account, there is an unresolved problem in the treatment of corporate persons in *Leviathan* that has significant implications for his theory of sovereignty.

The Compulsion and Obligation Accounts

Hobbes's initial discussion of corporate persons concerns what he calls the "civil person" of the commonwealth. Hobbes's civil person is what I am calling a corporate person; it is made up of other persons but is distinct from its constituent members in three respects. First, it has "one will" distinct from the wills of its members; second, it has its own name, distinct from the names of its members; and third, it has rights and property, again distinct from the rights and property of its members (OC 5.9). Hobbes's interest in the question of what makes the commonwealth a corporate person stems from his analysis of the divergence between individual interests and the common good in the state of nature. People in the state of nature have a common interest in forming defensive coalitions for their protection but, Hobbes argues, they cannot maintain these coalitions. They will either act at cross purposes because they disagree about how to achieve their common aims or they will abandon the common good in pursuit of their individual interests. Hobbes draws two conclusions from this. He contends that "an element of fear" is needed "to prevent an accord on peace and mutual assistance from collapsing in discord" (OC 5.4). He also holds that the members of a group will achieve their common aims only if they have "a *single will* among all of them in matters essential to peace and defence" rather than acting on their "several wills" (OC 5.6).

Hobbes maintains that the group's single will is created only by submission to a sovereign. Specifically, he argues that the single will is

² In his discussion of the church, Hobbes presents a fourth account, that a corporate person is created when its members can be obliged to assemble (OC 17.20). For an interesting discussion of this, see Olsthoorn (2018).

created only if “each man subjects his *will* to the *will*” of a sovereign. When the members of the group have done this, Hobbes believes, “whatever” the sovereign “*wills* on matters essential to the common peace may be taken as the *will* of all and each” (OC 5.6). This, according to Hobbes, means that the sovereign’s will is the will of the corporate person of the commonwealth.

There are two possible ways of understanding how Hobbes thinks the corporate will of the commonwealth is formed. According to what I will call the obligation account, the single will of the commonwealth is formed when each member of the group “obligates himself . . . not to resist the *will* of the *man or Assembly*” (OC 5.7). This means that each member promises the others not to “withhold the use of his wealth and strength” when the sovereign calls for them in order to punish wayward members of the group (OC 5.7). According to what I will call the compulsion account, the single will of the commonwealth is formed when the sovereign gains the ability to compel the members of the group to act in concert, even in the face of their contrary beliefs and desires.

The two accounts differ in their understanding of the necessary conditions for the commonwealth’s having the unified, single will that it must have in order to be a corporate person. The obligation account treats the agreement to support the sovereign as sufficient for creating a unified person with a single will. According to the obligation account, while the sovereign’s ability to punish is clearly essential for making the will of the commonwealth effective, it is not a necessary condition of the commonwealth’s having a single will in the first place. By contrast, the compulsion account implicitly denies that the mutual obligation to support the sovereign is sufficient to create a single will. On the compulsion account, the commonwealth has a single will only when its members can be forced to act in unison. In order to meet that condition, it is not enough that the members of the commonwealth agree to help the sovereign. Rather, there has to be actual compliance with the sovereign’s will, and this can be secured only if the sovereign is capable of using force.

It is not easy to say which of these two accounts best represents Hobbes’s thinking. On the one hand, he says that when every member of a group agrees not to resist the sovereign “this is called UNION” (OC 5.7). That would be true on the obligation account but not the compulsion account, as a mere agreement not to resist the sovereign does not compel people to do what the sovereign wants. On the other hand, he suggests that unity requires compulsion. He writes that when every member of the group “transfers . . . the *Right to his strength and resources*”

the sovereign gains the ability “to use the fear they inspire to bring the wills of individuals to unity and concord” (OC 5.8). The implication here is that unity is not achieved until the members of the group actually comply with the sovereign’s will. This raises some interpretive questions. Does Hobbes think that what I have called two different accounts are actually just one? If not, does he mean to advance one of these accounts rather than the other? Rather than trying to answer these questions, I will instead look at the advantages and disadvantages of each account on its own. While this will not settle the question of how to interpret Hobbes, it should clarify the implications of choosing one interpretation over the other.

Hobbes means for his account of corporate persons to answer three questions. First, how can people be motivated to act for the common good rather than for their individual interests? Second, how can a corporate person be created? Third, are commonwealths and their sovereigns immune from claims made against them by their citizens?

Hobbes’s first question motivates his inquiry into the nature of corporate persons. The problem he sees is that there is a divergence between individual interests and the common good. The creation of a corporate person with one unified will is supposed to solve the problem by causing the members of a group to act for the common good.

Hobbes opens chapter 6 of *On the Citizen* with his second question, about the creation of a corporate person. “The . . . crucial question,” he writes, “is this: what actually is a *Multitude* of men (who unite by their own decision in a single commonwealth)?” (OC 6.1)³ He says that a multitude, whose members act on their own judgments and interests, is not “a *person* distinct from every individual” member (OC 6.1). In particular, Hobbes claims that there is no way of attributing actions to the multitude as a whole and that the multitude cannot possess rights of its own. I take this to mean that corporate persons exist only if they are capable of acting and having rights. These two features of persons are related by a tacit assumption that having the capability to use rights is a necessary condition of being eligible to have them. That is why Hobbes thinks it is significant that a multitude cannot acquire or transfer rights through agreements (OC 6.1n). He assumes that the ability to acquire or transfer a right is a necessary condition of having rights and so he believes that the multitude’s inability to act means that it is incapable of having rights of its own. The commonwealth, by contrast, is a person with a will,

³ Tuck and Silverthorne translate “multitudo” as “crowd.” I will use “multitude” instead because that is the term Hobbes uses in *Leviathan*.

name, and rights that are distinct from those of its members. Since the commonwealth has a will of its own, it is capable of acting and so it meets the necessary condition of having rights. While Hobbes assumes that the commonwealth also satisfies the conditions sufficient for having rights, he does not explore what these conditions might be.

Hobbes's third question is whether commonwealths and their sovereigns are immune from claims made against them by their citizens. In answering this question, he supposes for the sake of argument that a commonwealth could owe obligations to its citizens and so that the commonwealth could wrong its citizens by violating these obligations. Hobbes believes that an obligation can be waived by the party to whom it is owed. He also believes he has shown that the will of each citizen is "comprehended in the will of the commonwealth" (OC 6.14). He claims that it follows that commonwealths could waive the obligations they are supposed to owe to their citizens: "the individual wills of citizens are contained in the will of the commonwealth in such a way that if the commonwealth wills to release itself from such an obligation the citizen also wills to do so" (OC 12.4). Since an obligation that can be waived by the person who bears it would be pointless, Hobbes concludes, commonwealths cannot owe obligations to their citizens. Hobbes's case for the sovereign's immunity is identical to his case for the commonwealth's immunity. Hobbes maintains that the sovereign's will "is the will of the commonwealth," he believes this entails that the sovereign's will "comprehends the wills of individual citizens," and he concludes that the sovereign is not "obligated to any of the citizens" (OC 6.14).

Evaluation of the Compulsion and Obligation Accounts

I will evaluate the obligation and compulsion accounts on two dimensions. I will first ask whether each one gives satisfactory answers to Hobbes's questions and then I will compare them with the authorization account in *Leviathan*.

Hobbes's first question concerns how people can be motivated to keep their agreements to act for the common good. Since both accounts of corporate persons rest on agreements, neither provides a compelling answer to this question. To illustrate the problem that Hobbes wishes to solve, imagine that I am a client of a warlord whom the sovereign means to bring to heel. It will not necessarily be in my interest to support the sovereign even if I have agreed to do so. I would have to believe that the sovereign will succeed and protect me from retribution. Whether it makes

sense to believe that depends on a number of things and especially how much support I believe others will give. If the sovereign's power has not been established, we all have incentives for defecting and that makes establishing the sovereign's power difficult. According to the obligation account, we form a corporate person by virtue of having agreed to aid the sovereign. However, what is at issue is why we would keep our agreement and the obligation account by itself does not address this question. The compulsion account is motivated by this shortcoming in the obligation account. It holds that a corporate person is formed only when its members are motivated to make sacrifices for the common good and it holds that they will be motivated to do so if, and only if, they are threatened with even larger losses for not doing so. This is at least a plausible answer if there is a sovereign with the power to punish. However, Hobbes has not explained how the sovereign comes to have this power in the first place. He says that the sovereign's authority consists in "the fact that each of the citizens has transferred all of his own right and power" to the sovereign, but, he adds, this is only a metaphorical expression, "since no one can literally transfer his force to another" (OC 5.11). Instead, he claims that the sovereign's power rests on the citizens' agreement to support the sovereign. So the compulsion account holds that the members of a group will keep their agreements only if they are compelled to do so by a sovereign and also that the sovereign's power to compel depends on whether the members keep their agreements.

The authorization account in *Leviathan* is no better on this score as it is just another agreement. The question at hand concerns how changes in the social environment alter individual behavior and that calls for a sociological theory rather than a normative one. However, the discussion of power in *Leviathan* does have the beginnings of the kind of theory Hobbes needs (L, chapter 10). This begins with the observation that people ally themselves with those who are thought to be powerful and that the primary way of becoming powerful is through having allies. In this way, a shared belief that someone will be powerful can be self-fulfilling. An agreement to obey a sovereign can establish expectations about how much power the sovereign will have in the future and that might be enough to start the process of acquiring power through allies.

Hobbes's second question is about how a corporate person is created. Ordinarily, corporations are created by expressions of the intent to create a corporate person, much as promissory obligations are created by expressions of the intent to make a promise. In the obligation account, the expressed intent to create a corporate person is replaced by obligations to

obey the sovereign. Hobbes's idea is that the members of the commonwealth all adopt one will when they agree to obey the sovereign, but he has not explained why obligations to obey the sovereign would have this implication. My neighbor and I do not form a gardening corporation if I agree not to interfere when she rakes the leaves in her yard or even if I agree to lend her my rake. Similarly, the citizens of the commonwealth can each be obliged to support the sovereign without creating a corporate person capable of acting on its own. We can understand the agreement by listing the obligations without adding anything about a corporate person (for similar criticism, see Douglass 2018, 35–7).

The compulsion account replaces the ordinary requirement of expressed intention to form a corporate person with coordinated action. If a gunman tells everyone in the bank to go to the vault, they will not form a corporate person on the ordinary account, but they will do so on the compulsion account. While the compulsion account is internally consistent, the ordinary account is better motivated. People who sincerely intend to form a corporation will typically behave in ways governed by the rules of corporate persons: they will participate in the procedures for making corporate decisions, recognize the corporate person as having distinct rights from their own, and so on. While we need to invoke the rules governing corporations to understand the behavior of people who intentionally form corporate persons, there is no need to invoke rules of any kind to understand the behavior of the hostages in the bank. They all do the same thing because they are ordered to do it by a man with a gun, not because they intend to act as one body.

The authorization account in *Leviathan* comes much closer to the ordinary account of incorporation than the compulsion account does. On this account, a corporate person is created when a number of individuals authorize the same representative. Hobbes describes the formation of a corporate person through authorization as follows: "A Multitude of men, are made *One Person*, when they are by one man, or one Person, Represented; so that it be done with the consent of every one of that Multitude in particular" (L 16.13: 248). It is not clear whether Hobbes means that everyone consents to the authorization of the representative or that they consent to the creation of the corporate person. If he means the former, it would be possible for a group to create a corporate person without anyone's intending to do so. This would happen if the members of the group all authorize the same person to be their representative. However, Hobbes can also be understood as saying that a corporate person is created only if those who authorize the common representative intend to create a

corporate person. While either interpretation is consistent with the text, the latter is preferable on analytical grounds.

The third question that Hobbes tries to answer concerns the immunity of the commonwealth and its sovereign. He says that commonwealths enjoy immunity against claims by their citizens because the will of the citizen is contained in the will of the commonwealth. For that reason, he maintains, it makes no more sense to think that the commonwealth could have obligations to its citizens than it does to think that individuals could have obligations to themselves. However, as Howard Warrender (1957: 130) observes, the assertion that the citizen's will is comprehended in that of the commonwealth fits poorly with the claim that the commonwealth is a distinct corporate person. What it means for the commonwealth to be a distinct person is that it can act and possess rights in its own name, apart from the actions and rights of its members. By the same token, the individual citizens of the commonwealth should be capable of acting and holding rights apart from the actions and rights of the corporate person of the commonwealth. As Hobbes himself notes, merchants form corporate persons "on terms which allow any one of them to sue *the Corporation itself before outsiders*" (OC 5.10). He is quick to say that this is something that the members of a commonwealth cannot do, despite the fact that the commonwealth and business corporations are both corporate persons. The question is whether he has a compelling argument for distinguishing between the different corporate persons in this way.

Hobbes contends that the commonwealth is different from other corporations on the grounds that its members agree to subject themselves to the will of the commonwealth "simply and in all things" while the members of other corporations agree to follow the will of the group "only in certain matters" (OC 5.10). On its face, that does not address the question of immunity as it is possible for a commonwealth to wrong its members even if they are required to obey its will in all things. For example, a state that punishes an innocent citizen wrongs that citizen even if all citizens are required to do whatever the state commands. Hobbes's argument is that the commonwealth can waive any claims a citizen makes against it because it is capable of acting on behalf of the citizen. When he says that the citizens subject their wills "in all things" he may mean not just that they accept obligations to obey the commonwealth but also that they agree to give it the capacity to speak for them even when they make a claim against it. The obligation account only establishes what the citizens are obliged to do, so it cannot be used to explain how the citizens could give the commonwealth this capacity. It might be used to show that citizens are

obliged not to sue the commonwealth even when they have a valid claim, but that is a different argument than the one Hobbes makes. The answer suggested by the compulsion account is that the sovereign can compel citizens to waive claims against the commonwealth by threatening them. But while it is certainly possible to coerce others not to claim what is due to them, that is not the same thing as cancelling the debt, much less waiving it on behalf of the person who is coerced.

In *Leviathan*, Hobbes uses the authorization account to explain the commonwealth's immunity. He describes authorization as taking ownership of a representative's actions such that, for example, an authorized representative can sign a contract that binds the person she represents. The argument for the commonwealth's immunity in *Leviathan* turns on the citizens' ownership of the sovereign's actions. The commonwealth is a person that is represented by the sovereign and acts through the sovereign. But when it acts, its actions are owned by the citizens who authorized the sovereign's actions. Consequently, Hobbes reasons, it makes no more sense for a citizen to complain about something the commonwealth or the sovereign has done than it would for a client to complain about the contract he authorized his representative to sign. The actions of the representative count as the actions of the person making the complaint in both cases. As Hobbes sees it, this would be like my complaining that I have wronged myself (L 18.6: 270). Of course, this is persuasive only if Hobbes explains why the citizens would agree to such a sweeping authorization of the sovereign. My point is only that the authorization account in *Leviathan* might establish Hobbes's conclusion, whereas what he says in *On the Citizen* cannot.

The problems Hobbes faces stem from the fact that he tries to use his account of corporate persons to address two different kinds of question. One concerns collective action problems while the other concerns the rules governing corporate persons. The point of the compulsion account is to explain how collective action problems can be solved through the use of force. This account fares poorly on the questions about the formation and immunity of corporate persons because those are fundamentally questions about the application of rules. The obligation account addresses normative questions, but it is also focused too narrowly on questions of obedience to serve Hobbes's aims. While the obligation account focuses on what the citizens must do, Hobbes needs to establish that the commonwealth is capable of acting on behalf of the citizens. The obligation account faces the wrong way. The authorization account in *Leviathan*, by contrast, is devoted to the rule governed questions about corporate persons. It is also

concerned with the use of authorization to grant capabilities to the sovereign representatives rather than on what the citizens are required to do. For these reasons, the *Leviathan* account has more appropriate answers to the questions about the formation of corporate persons and their immunities.

The Voting Rules Account

According to what I will call the voting rules account of corporate persons, a corporate person is formed when a group adopts voting rules. This is how Hobbes characterizes the formation of a democracy, defined as a commonwealth “where *sovereign power* lies with an *Assembly* in which the citizen has a right to vote” (OC 7.1). A democracy is formed “when men have met to erect a commonwealth,” because their decision to meet together means that they will “be bound by the decisions made by agreement of the majority.” Since every member of the assembly agrees to follow the majority and what the majority decides is the assembly’s will, the assembly’s will is “the will of all the citizens” and that, in turn, means that the assembly has “sovereign power.” The members of the assembly make up a corporate person that Hobbes refers to as “a People” and distinguishes from a “disorganized multitude, to which no *action* or *right* may be attributed” (OC 7.5). For the people to retain their sovereign power, its members must follow voting rules to determine how the corporate person will act and they must meet as often as necessary to govern effectively (OC 7.5–7.6).

As Hobbes sees it, the voting rules account is compatible with his other accounts of corporate persons. When he presents the obligation and compulsion accounts, he states that the sovereign can be either a single natural person or an assembly made up of several natural persons (OC 5.6). He says that submitting to the will of an assembly means submitting to “the will of the greater part” of those “who make up the Assembly” (OC 5.7). The voting rules account is introduced to describe democracy, a form of government where the sovereign assembly is made up of all the members of the commonwealth.

Nonetheless, the voting rules account is distinct from the others. According to the voting rules account, a corporate person could make a decision by holding a vote among its members. Such a vote can clearly happen even if the corporate person does not have the features that the obligation and compulsion accounts treat as necessary for the corporate person of the commonwealth. Since the obligation and compulsion

accounts are primarily concerned with punishment, they do not apply to corporate persons that do not use force against their members, such as commercial corporations. By contrast, the voting rules account might explain how this kind of corporate person is formed.

Hobbes uses the voting rules account to answer three questions. First, does the commonwealth in a democracy enjoy immunity from claims made against it by its citizens? Second, do the people form a corporate person in all kinds of states? Third, do sovereigns in aristocracies and monarchies enjoy immunity from claims made against them by their citizens?

His answer to the first question, about the commonwealth's immunity specifically in democracies, is only superficially different from his earlier answer. Previously, he had argued that the commonwealth could waive any obligation it owes to one of its members regardless of the source of that obligation. In his discussion of immunity in democracies, Hobbes frames the question as being about the possibility of obligatory agreements between individual citizens and the sovereign power in a democracy, namely, the corporate person of the people. Hobbes argues that individuals cannot make agreements with the corporate person of the people before that corporate person is formed for the obvious reason that it is impossible to make an agreement with a person that does not exist. After the corporate person of the people is formed, however, any agreements would be pointless for the same reason Hobbes gave before. The corporate person of the people "absorbs into its will the will of the citizen" and so can simply waive any obligations it owes to a citizen by acting as if it were that citizen (OC 7.7).

Hobbes's second question is about whether the people form a corporate person in all kinds of states. His answer is that the corporate person of the people exists in democracies but not aristocracies or monarchies. Aristocracies, like democracies, make decisions in assemblies, but the membership of the assembly is made up of only some of the citizens of the commonwealth rather than all of them. If sovereign power is transferred from a democracy to an aristocracy, Hobbes maintains, "the people, as a single person, no longer exists" (OC 7.8). Similarly, when a democracy transfers its sovereign power to a monarch, "the *people* is no longer one *person*, but a disorganized multitude, since it was one person only by virtue of its *sovereign power*" (OC 7.11).⁴

⁴ Hobbes says elsewhere that the corporate person of the people persists in a monarchy on the grounds that the monarch acts for the people (OC 12.8). He does not try to reconcile these claims.

Hobbes uses the dissolution of the people as a corporate person to answer his third question, about the immunity of the sovereign in aristocracies and monarchies. His argument assumes that, as a matter of historical fact, democracy was the first form of government. He believes he has shown that democracies cannot have obligations to individual citizens. So when a democracy transfers its sovereign powers to a successor government, this immunity against individual claims is transferred as well. However, that does not rule out agreements between, on the one hand, the corporate person of the people formed in the departing democracy and, on the other hand, the incoming aristocrats or monarch. If there were such agreements, then it would be possible for a monarchy or aristocracy to violate its obligations to the corporate person of the people. Hobbes dismisses this possibility on the grounds that the corporate person of the people no longer exists in aristocracies and monarchies. Consequently, any agreements made between the corporate person of the people and the sovereign would lapse. When the corporate person of the people no longer exists, no one has the standing to make any claims on behalf of that person (OC 7.9, 7.12).

Evaluation of the Voting Rules Account

The major elements of Hobbes's political theory are largely consistent across the three works devoted to the topic: *Elements of Law*, *On the Citizen*, and *Leviathan*. There are two significant exceptions. *Leviathan* lacks the quasi-historical theory that the first states were democracies and it has a new theory of authorization. These two developments seem to be related to one another, but the details of the relationship are unclear.

The *Leviathan* approach has several advantages. First, the argument for sovereign immunity in *On the Citizen* rests on the questionable assumption that the first states were democracies. As Kinch Hoekstra (2006a: 207–10) notes, this applies most to what Hobbes calls a commonwealth by design, in which “the *citizens* impose a *Lord* upon themselves” (OC 5.12). It would not apply to commonwealths formed in ways that Hobbes himself regarded as far more common in the historical record, namely, those in which a ruler imposes himself on the citizens. Second, the course of reasoning in *On the Citizen* is overly complex as it relies on different arguments for the sovereign’s immunity in different kinds of states. By contrast, the *Leviathan* account uses one theoretical device, the citizens’ authorization of the sovereign’s actions, to argue for the sovereign’s immunity in all kinds of states. In consolidating his case in this way, Hobbes makes his theory considerably more elegant.

Many commentators note that these developments in *Leviathan* reduce the role of democracy in Hobbes's theory and some believe they are motivated by a desire to oppose the more democratic political theories advanced on behalf of Parliamentary power in the 1640s.⁵ What I wish to point out is that part of Hobbes's theory of democracy in *On the Citizen* persists into *Leviathan*, namely, the voting rules account of corporate persons. While Hobbes officially abandons the voting rules account in favor of the authorization account, he needs the voting rules account in order to explain the nature of sovereignty in democratic and aristocratic commonwealths. Since Hobbes is committed to providing a theory that covers these kinds of states, he is pulled in two ways over the voting rules account in *Leviathan*.

The problem with the *Leviathan* account arises because Hobbes makes the following points in that book.

1. An assembly can be a sovereign.
2. An assembly is a sovereign only if it has a representative.
 - a. An assembly is a sovereign only if it is a representative of the corporate person of the commonwealth.
 - b. An assembly is a representative only if it is a corporate person.
 - c. An assembly is a corporate person only if it has a representative.
3. Assemblies do not have representatives.

The three numbered points are obviously in conflict. Hobbes is committed to the first point because his theory of sovereignty applies to monarchies, aristocracies, and democracies, and he believes that the sovereigns in aristocracies and democracies are assemblies of aristocrats and the people, respectively. His decision to replace the voting rules account with the authorization account commits him to the second point. The third point is implicit in his treatment of sovereign assemblies.

Hobbes is committed to the second point, that assemblies can be sovereigns only if they have representatives, by the lettered argument, 2a–2c. The sovereign's status as a representative, point 2a, is established in Hobbes's formulation of the social contract where he describes the sovereign as bearing the person of the commonwealth (L 17.13–14: 260–2). For Hobbes, “bearing” a corporate person is equivalent to representing it; for example, he writes that, “it is the Representer that beareth the Person” of a corporate body (L 16.13: 248). A representative,

⁵ See Sommerville (1992: 59–63); Skinner (2007); Baumgold (2017: xix); but compare Hoekstra (2006a: 212–13); and Abizadeh (2016: 413–15).

according to the authorization account, must be either “one man, or one Person” who is authorized to represent other persons (L 16.13: 248). The term “man” refers to a natural person, while “Person” refers to a corporate person. Since an assembly is not a natural person, it can be a representative only if it is a corporate person. That is point 2b. Point 2c is derived from the authorization account of corporate persons. According to the authorization account, a corporate person exists only if it has a representative who is authorized to act for its members. A group without a representative, according to Hobbes, is only a collection of individuals speaking and acting for themselves. Since the ability to speak and act is a necessary condition of the existence of a corporate person, it follows that a group without a common representative cannot be a corporate person. Hobbes asserts this point when he writes that, “it is the *Unity* of the Representer . . . that maketh the Person *One* . . . And *Unity*, cannot otherwise be understood in *Multitude*” (L 16.13: 248). Suppose the members of an unorganized group adopt a set of voting rules and so become an assembly. If they do not authorize a common representative then, according to this passage, they would not form a corporate person. That, in turn, means their assembly is ineligible to be a sovereign.

The third numbered point, that assemblies do not typically have representatives, is both obvious on its face and also asserted by Hobbes. In *Leviathan*, when Hobbes explains how assemblies can function as representatives, he does not say that they authorize representatives to act for the assembly as a whole. Rather, he reverts to the voting rules account from *On the Citizen* when he writes that, “if the Representative consist of many men, the voyce of the greater number, must be considered as the voyce of them all” (L 16.15: 250). The assembly has a voice when a majority of its members agree on what it should say. If a majority vote is sufficient for the assembly to speak and act, then the assembly does not need to have an authorized representative to do these things for it. Hobbes himself treats assemblies as if they act by voting rather than through authorized representatives, so we can conclude that he believes that assemblies do not typically have representatives. But that means he is committed to three incompatible points about sovereign assemblies.

Douglas Wadle (2017) proposes to solve the problem by denying the third point, that assemblies do not have representatives. He argues that assemblies have what he calls procedural representatives. His idea is that the members of an assembly authorize the rules by which they will make their collective decisions. The authorized rules serve as decision procedures

that have all of the relevant qualities of a representative in that they translate the desires of the members of the assembly into decisions about what the assembly should do. If he is right, then the voting rules account is subsumed under the authorization account rather than being in conflict with it, and assemblies are eligible to be sovereigns because they have representatives.

While Wadle defends his proposal with great ingenuity, it is hard to accept wholeheartedly for two reasons. First, there is no motivation for treating rules as representatives apart from the fact that doing so would solve this problem. The point of having representatives is to enable people to act when doing so themselves would be either inconvenient or impossible. In the standard cases, representatives are capable of acting for the people they represent even when those people do nothing on their own. Procedural representatives, however, cannot do this. They would be capable of acting for an assembly only when the members of the assembly act. For example, the rule that the majority vote determines the will of the assembly could represent the assembly only if the members of the assembly take a vote. Thus, there is no use for a concept of representation that includes rules except, of course, to resolve the conflict in Hobbes's theory of sovereignty. Second, it is more natural to describe an assembly's rules as enabling it to act than it is to describe them as representing the assembly. Legislatures enact laws by following rules that specify how their votes should be recorded, how their decisions should be announced, how large the majority vote must be, and so on. In these cases, we commonly say that the legislature makes the law, not that the rules do. Rather, the rules enable the legislature to make laws by specifying the steps it must take in order to do so. This more natural way of describing an assembly's rules is what gives rise to the problem for Hobbes. If an assembly can act by following a procedure, it meets Hobbes's condition for being a corporate person without having a representative.

The comparison of the voting rules account from *On the Citizen* with the authorization account in *Leviathan* thus yields a split verdict. On the one hand, the argument in *Leviathan* for the commonwealth's immunity dispenses with a dubious and overly complex chain of reasoning in *On the Citizen*. On the other hand, Hobbes's decision to replace the voting rules account with the authorization account has the unintended consequence of making aristocratic and democratic assemblies ineligible to be sovereigns. Since Hobbes's theory of sovereignty is meant to apply to aristocracies and democracies as well as to monarchies, this is a significant problem for his larger theoretical ambitions.

Conclusions

Generally speaking, the authorization account of corporate persons in *Leviathan* is superior to the accounts given in *On the Citizen*. In *Leviathan*, Hobbes separates the questions about how to ensure individuals act for the common good from questions about the nature of corporate persons and the authorization theory is much better tailored to his needs than either the obligation or the compulsion account. In addition, Hobbes's use of the authorization account to argue for the commonwealth's immunity in *Leviathan* is superior to his use of the voting rules account in *On the Citizen* to argue for similar conclusions. However, Hobbes has to invoke the voting rules account in *Leviathan* in order to explain the nature of sovereignty in democracies and aristocracies. This raises an unresolved problem because the voting rules account is incompatible with the authorization account.

CHAPTER 9

Hobbes on Love and Fear of God

*Thomas Holden**

Can human beings love God? Should they? Can, and should, they fear Him? On the face of it, Hobbes seems clear in *On the Citizen* that these questions must be answered in the affirmative. He approvingly cites what Christ called “the first and greatest commandment”: “You shall love the Lord your God with all your heart and with all your soul and with all your mind” (Matt. 22:37–8, quoted by Hobbes in OC 17.8). And all the worship that is mandated both by natural human reason and by Mosaic Law can be summarized, he says, simply as a matter of our loving God (OC 17.8). Beyond this, Hobbes’s highly original approach to talk about the divine nature, published for the first time in *On the Citizen*, is founded on the principle that we ought to ascribe attributes to God not with a view to describing Him, but simply in order to honor Him, where this honoring is presented as an expression of both love and fear (OC 15.9). Indeed, the underlying purpose of all our worship, whether through ritual, prayer, or other religious speech, is properly to show that God – i.e., “the cause of the world” – is “honoured, i.e., loved and feared” (OC 15.14, 15.13; compare also DH 14.4). So it seems that we can and should love God, the first cause; and that we can and should fear Him.

But there is an artfulness to Hobbes’s treatment of the traditional theistic injunction to love and fear God, or so I will argue. When Hobbes urges us to “love” God in *On the Citizen*, the attitude or stance that he is enjoining is a form of love in name only. In *Elements of Law* and *Anti-White* – works that were composed or circulated in the same early 1640s period as *On the Citizen* – Hobbes problematizes the traditional duty to love God. These texts show that Hobbes has doubts about whether we can

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experience any passions, love and fear included, that are genuinely directed toward the first cause of all. Moreover, these texts also show that Hobbes holds that, even if passions directed “to Godward” (EL 11.11) were in fact possible, love of this divinity, in the usual, straightforward sense of “love,” would be inappropriate. I will argue that Hobbes’s treatment of love and fear of God in *On the Citizen* is crafted with these doubts in mind. Hobbes subtly redefines “love” and “fear” in the case of God, so that these terms become labels simply for obedience to God’s laws – i.e., the laws of nature, the standards of morality and enlightened self-interest – and not by any sort of feeling or affective attitude directed toward the first cause of all. The picture that emerges is of an intellectualized, unsentimental form of natural piety (i.e., the form of piety mandated simply by natural human reason, independently of any further religious practices mandated by the state) – one that involves an inward acknowledgement of the power of the first cause and is outwardly expressed through conformity with the laws of nature, but which lacks the sort of God-directed affective feeling, emotion, or interpersonal sentiment that one would usually associate with religious “love” and “fear.” Commentators who favor an esoteric irreligious reading of Hobbes may make of this what they will: an intentionally irreligious traduction of the traditional duty to love and fear God can hardly be ruled out. But it is also possible that Hobbes was sincere in regarding his revisionary form of natural piety as authentically religious. He may have held that this intellectualized natural piety – insistent on a rational recognition of the power of the first cause together with obedience to the laws of nature, but properly purged of sentimental, superstitious, and anthropomorphizing religious emotions – does amount to a genuinely religious attitude.

In order to document the full range of Hobbes’s doubts about love and fear of God, I draw on texts from the 1650s (including *Leviathan* and *On Man*) as well as the early 1640s (including *Elements of Law*, the Objections to Descartes’s *Meditations*, and *Anti-White*, as well as *On the Citizen*). However, my main focus is on the early 1640s context of *On the Citizen*, which is the work in which the duty to love and fear God is enforced most explicitly, and in which that same duty is interwoven with Hobbes’s first published presentation of his radical new account of talk about the divine attributes. In the closing sections of the paper I show how *On the Citizen* reframes the kind of “love” and “fear” we owe to the first cause.¹

¹ I find little commentary on the issue of love and fear of God in Hobbes. But see Curley (1992: 574, n.99) and Cooke (1996: 157).

The Argument from Inconceivability

Hobbes's doubts about the possibility of humans experiencing love or, by implication, hate, fear, or any other passion directed toward God, are set out in *Elements of Law*, a work that Hobbes circulated in manuscript form in 1640, and which appeared in an unauthorized edition in 1650. This potentially scandalous "argument from inconceivability" (as I shall call it) does not appear in any of Hobbes's authorized publications. However, it seems to be a straightforward consequence of the account of the passions one finds throughout Hobbes's writings (EL 7.1; AW 30.23; L 6.1–3: 78–80) together with the thesis, which is also consistent across his work, that the first cause of all defies imagistic mental representation (EL 11.2; TSO 127, 133; L 11.25; 160).

For Hobbes, human passions such as love, hate, and fear are physiological, bodily responses to our "conceptions," i.e., our ideas, thoughts, or mental representations. They are surgings and ebbings of vital motion in the body, produced in reaction to the shifting conceptions in our minds, and felt as characteristic forms of pleasure and pain. Thus, the passion of "LOVE," at the most comprehensive level of description (including all kinds of approval and pro-attitude), is just a certain kind of "motion about the heart," experienced from the first-person point of view as "DELIGHT, contentment, or pleasure," and which motion, or delight, is particularly named "love" when we would relate it to the object responsible for causing it (EL 7.1). The same physiological response in the body may therefore be called "pleasure" or "delight" as it is felt in first-person experience, "love" when we would name it with reference to the object responsible for producing it, or "appetite" as that same motion stirs our animal endeavor to draw toward the pleasure-producing object: "So that pleasure, love and appetite, which is also called desire, are divers names for divers considerations of the same thing" (EL 7.2).

So passions are bodily responses prompted by our conceptions. And our conceptions may themselves be looked at in two ways. From the third-person, physiological point of view, conceptions are simply so many material motions in the brain: reverberations in brain tissue that ultimately trace back (whether directly via current motion in the organs of sense, or indirectly by way of stored memories) to the original shockwave stimuli of sense-experience. Meanwhile from the first-person point of view, conceptions will appear as *phantasmata*, *imagines*, *imaginationes*, or *memoriae* of sensation: mental images or mind-pictures (allowing for tactile, auditory, gustatory, and olfactory as well as visual "pictures" and "images") whose

imagistic content is derived, in whole or part by palimpsestic part, from materials originally presented in sensory experience (EL 1.8; AW 30.3–5).

The obstacle to our experiencing any passions directed toward God is that the deity is *inconceivable* – i.e., unimaginable, “un-image-able.” Although Hobbes is clear that cosmological reflection on the regress of causes naturally leads us to the “supposition” of some sort of first cause of all (TSO 127; compare also EL 11.2; L 11.25: 160, 12.6: 166),² he is equally clear that we can form no imagistic mental representation of this being whose existence we suppose (EL 11.2; TSO 127; AW 35.16; L 11.25: 160), possibly because this being is posited as responsible for and hence distinct from the entire humanly imaginable regress of causes.³ Hobbes underlines the point when he compares our cosmological speculations to the reflections of a blind man before a fire. Just as a man born blind may grant or even “know” that there is something there responsible for the heat he feels, even though “it be not possible for him to have any imagination what kind of thing is fire,” so likewise reflecting on the great regress of causes naturally leads us to posit a first cause, even though we “can have no image or conception” of this being which we postulate (TSO 127; EL 11.2; compare also L 11.25: 160).

Hobbes states the problem for love of God as follows:

Now concerning man’s affections to Godward, they are not the same always that are described in the chapter concerning passions. For there, to love is to be delighted with the image or conception of the thing loved; but God is unconceivable; to love God therefore, in the Scripture, is to obey his commandments, and to love one another. (EL 11.11)

As he had explained in “the chapter concerning passions” (i.e., EL, chapter 7), love is a positive response to a conception or mental image of the thing beloved. But in that case love of the first cause of all, in any literal, straightforward sense of “love,” is quite impossible. Hobbes immediately claims a scriptural license for this result, suggesting that in the Bible our love of God does not so much *show itself* in obedience to divine commands and our love for one another, as it is *exhaustively constituted* by such behavior: we are presented with a kind of reductive analysis, in which “love of God” is nothing more than love of neighbor and obedience to God’s commands. However tendentious or controversial this moment of

² Or at least the supposition of a cause of the *humanly comprehensible* universe, a being that Hobbes holds is properly dignified with the honorific title “the first cause of all” (Holden 2015).

³ On the nature of “suppositions” and inconceivable posits in Hobbes, see McIntyre (2016: 557–70).

scriptural interpretation might be,⁴ it confirms that Hobbes does intend the conclusion that love of God, in the usual or literal sense of “love,” is impossible. Furthermore, as Hobbes hints in the first sentence of the passage, the problem that he identifies will generalize to all passions, since all passions are responses to conceptions. And in his Objections to Descartes’s *Meditations*, published in 1641, Hobbes comes close to applying this point openly to fear of God when he begins his Sixth Objection with the assertion that “When someone [...] is afraid, he has an image [*imaginem*] of the thing that he fears” (TSO 128). A theologically sensitive reader would not have to look far to connect the dots and see the consequences for fear of God, since this assertion immediately follows Hobbes’s detailed case for the unimaginability of God (in his Fifth Objection), and precedes his making a similar claim about God’s inconceivability over again just two paragraphs later (in his Seventh Objection).⁵

Many believers do of course take themselves to experience literal love and fear of God. But it follows from Hobbes’s argument that such people must be misinterpreting their own emotions. While one might experience love and fear before physical or mental imagery of a celestial patriarch or a mother with child, or toward the majesties of nature and the starry heavens above, Hobbes insists that such phenomena cannot properly be identified with the first cause of all or stand proxy for this imagination-transcending cosmological posit. “[W]e have no idea or image corresponding to the sacred name of God. And this is why we are forbidden to worship God in the form of an image; *for otherwise we might think that we were conceiving of him who is incapable of being conceived*” (TSO 127, emphasis added).

Hobbes’s premises would have had their critics among seventeenth-century philosophers and theologians. An opponent of the argument from inconceivability might join Descartes ([1641] 1984: 132) in maintaining that, along with whatever imagistic mental representations we derive from experience, the human mind also comes equipped with innate and

⁴ Hobbes is likely thinking of St. Paul’s readiness to treat an entire “fulfilling of the law” simply as a matter of love of neighbor, apparently either neglecting the commandment to love God, or treating it as if it were somehow contained in the commandment to love one’s neighbor (Gal. 5:14, Rom. 13:8–10). Some twentieth-century theologians have developed this latter line of scriptural interpretation (Nygren [1932–39] 1969: 123–30; Outka 1972: 44–52). But, at least on the face of it, the gospels present Christ’s “first and greatest” commandment to love God as separate and distinct from his “second” commandment mandating love of neighbor (Matt. 22:37–40; compare also Deut. 6:5–18).

⁵ In the Fifth Objection: “we have no idea or image [...] of God”; “[God] is incapable of being conceived”; “there is no idea of God in us.” In the Seventh: it “seems to be the case [that] we do not have an idea of God” (TSO 127, 129).

non-imaginistic “intellectual” ideas, and that among these is an idea of God with sufficient representational content to engage our passions. Or one might hold with Locke ([1689] 1975: 2.17.1, 4.10, 4.10.1, 4.10.6–7) that humans can construct a sufficiently detailed mental representation of the first cause from empirically-derived ideas, framing a complex idea of the divine attributes by augmenting our everyday notions of causal power and wisdom. Or, resisting Hobbes’s nominalist metaphysics, one might join the Cambridge Platonist John Smith and the scholar-physician Thomas Browne in maintaining that the world discloses fragmentary glimmers of an abstract entity, the Form of Goodness or Beauty itself, which can in some sense be identified with God.⁶ Or perhaps one might join the metaphysical poet and divine Thomas Traherne in rejecting the premise that love must be attended by a cognitive representation of its object, at least when it comes to a kind of mystical adoration of the deity that can take hold of the heart (so Traherne tells us) absent any real descriptive or representational understanding of its object.⁷

Interestingly, in the later period of *On Man* (1658) Hobbes seems to reverse himself and grant that passions *can* in fact be directed toward an object even in the absence of a conception of that object. Consider these remarks on the passions of hope and fear:

Even the most insubstantial arguments are sufficient for hope. Yea, even what the mind cannot truly conceive can be hoped for, if it can be expressed. Similarly anything can be feared even though it be not conceived of, provided that it is commonly said to be terrible, or if we should see many simultaneously fleeing; for, even though the cause be unknown, we ourselves also flee, as in those terrors that are called panic-terrors. For we believe that those that first fly have seen some danger as a cause for flight. (DH 12.4)

⁶ “All that is truly amiable is God, or as it were a divided piece of him, that retains a reflex or shadow of himself” (Browne [1642/1643] 1977: 159). “[T]rue religion never finds itself out of the infinite sphere of the Divinity, and wherever it finds beauty, harmony, goodness, love, ingenuousness, wisdom, holiness, justice and the like, it is ready to say, here, and there is God. Wheresoever any such perfections shine out, a holy mind climbs up by these sunbeams and raises itself up to God” (Smith [1660] 1968: 129).

⁷ “[T]hough it be a maxim in the schools that there is no Love of a thing unknown, yet I have found that things unknown have a secret influence on the soul, and like the centre of the earth unseen violently attract it. We love we know not what [...] As iron at a distance is drawn by the loadstone, there being some invisible communications between them, so is there in us a world of Love to somewhat, though we know not what in the world that should be” (Traherne 1950: 3). I survey the wider early-modern debate over the relationship between the imagination and religious passions in Holden (2010: 84–93).

A thing might be hoped for or feared if it can be “expressed” or “said to be” worthy of hope or fear, even if we cannot conceive it. Likewise we can become afraid of a something-we-know-not-what if we see others recoil from it, even while we have no understanding of what it is they are recoiling from. So in *On Man* Hobbes points to language use and our interpretation of others’ behavior in order to explain how our passions might become directed toward objects that we cannot picture imaginistically. Moreover, in the next paragraph Hobbes goes on to explicitly consider certain religious passions:

All men are of the opinion that there is an invisible something or invisible things, from which (accordingly as they be favourable or unfavourable) all goods are to be hoped and all evils are to be feared. For men, whose power is small, when they saw those enormous works, heaven and earth, the visible universe, the motion and intellect of animals of the most subtle devising, and the most ingenious fashioning of the organs, could not contemn their genius (since they can imitate none of them), and hence it is neither incomprehensible nor to be wondered at that all good is expected from Him by whom the greatest things are made when he is gracious, and all evil when He is angered. And this is the emotion [*affectus*] that is called natural piety, and is the first foundation of all religions. (DH 12.5)

Here Hobbes allows that human passions of hope and fear might relate, in some way at least, not just to invisible gods and spirits acting within nature, but also to the cause of the entire “visible universe,” which presumably means the first cause, God properly-so-called. So *perhaps* Hobbes had come to abandon the position that passions directed toward God are impossible by the later period of *On Man*.⁸ But however that may be, Hobbes does imply that such passions are impossible in the early-1640s period of *Elements of Law* and the Objections to Descartes, and we shall see that *On the Citizen* is written in a way that accommodates this earlier position.

⁸ I note however that in DH 12.5 Hobbes does not present our hope and fear as directed toward the cause of the visible universe, i.e., God, but rather toward the good and evil events that we regard as attributable to the activity of this being. So while DH 12.4 clearly allows that human passions can be directed toward certain inconceivable objects under certain conditions, DH 12.5 does not in fact present a case where our passions are directed toward the inconceivable first cause, and the kind of hope and fear that Hobbes characterizes here as constituting “natural piety” and “the first foundation of all religion” does not actually take this being as its object. I emphasize this point since later in *On Man*, Hobbes will go on to radically redefine the “love” and “fear” that we properly owe to God, stripping them of the God-directed passional content we would usually associate with these words (as we shall see).

The Argument from Honor

Hobbes's argument from inconceivability purports to show that we cannot experience love in any literal sense (or, by implication, fear, or any other passion) "to Godward" (EL 11.11). But even if human love of God were possible, Hobbes has a further argument – call it "the argument from honor" – suggesting that loving God as we love other persons would be impious and improper.

The argument first appears in *Anti-White* when Hobbes engages the Catholic philosopher Thomas White's assertion that "Of necessity God loves himself." For Hobbes, this pronouncement is pure speculation with no evidence or scriptural warrant behind it. It may also amount to an insult to the first cause, since necessitation implies a kind of weakness, and self-love can bleed into a vice (AW 31.9). But Hobbes continues his critique, and in so doing raises a general objection to love of God, whether it be God's love of himself or human love of God:

[W]hat is "to love" if not "to wish well of"? Or, how can someone "wish well" of anyone except of a person for whom all is not well, or can be not well? Neither condition applies to God. (AW 31.9)

A variant of the argument also appears in *On Man*:

God is not to be loved by man, as man is by man. For we always understand by the love of man toward man either the desire for embraces or benevolence, both of which would be unsuitable for understanding love toward God. To love God is to keep His commandments gladly. (DH 14.2)

To love someone implies being benevolently disposed toward that person (or, in the equally theologically problematic alternative added in *On Man*, it implies a desire for their "embraces"). But for humans to adopt an attitude of benevolence toward God would be improper, since that patronizing, ameliorative stance implies that God may have flaws or imperfections.

Hobbes's position on the divine attributes, which was first published in *On the Citizen* but is consistent across all his works addressing natural religion, is subtle and original. Here it is important to note merely that, despite any superficial appearance to the contrary, the current argument does not depend on the claim that we know, somehow, that the first cause has no flaws or imperfections, or that we can discern, somehow, that God is not someone for whom "all is not well." In fact, Hobbes is clear that we know nothing whatsoever about the nature of the first cause apart from the

fact that this being possesses the awesome power required to create the world (that being the reason we postulated this being in the first place). Still, in light of its awesome power, we should speak and act before this incomprehensible being only in the most reverential manner (OC 15.11; L 31.13: 564). Our words and behavior before the first cause ought to display our humility and respect before this being as best we can, which means speaking of it only in terms that signify honor among humans (according the first cause honorific titles – “*greatest, mightiest, highest,*” “*good, just, mighty, creator, king* and so on” – as if they were so many divine attributes) and acting in ways that show “a disposition to give as much honour as one can” (OC 15.14; compare also OC 15.11; EL 11.3; AW 27.8, 35.16; L 31.28: 566, 568, 34: 614; EW 4: 426). The point is not to describe the indescribable, or to represent God’s incomprehensible nature in human words and ideas (for that “would be to confine him within the limits of our imagination” [OC 15.14]), but simply to express an attitude of honor toward this overwhelmingly powerful being as best we can in human words and actions (Holden 2015: 657–60; Abizadeh 2017: 715–18). And we certainly ought not to speak or act in ways that dishonor the first cause, such as those that suggest it is weak, fallible, or is someone “for whom all is not well, or can be not well.”

Plainly this argument from honor is aimed at a narrower species of love than the argument from inconceivability. The current argument does not target love of God in the wider, comprehensive sense of love as defined in EL 7.1 that covers all kinds of approval and pro-attitude, and which would include, for instance, love of food, or love of music, neither of which involve any benevolence toward their object. The argument, if it is sound, will show merely that it is improper to love God in the sense of *interpersonal* love, the kind of love that one might feel for another human – a kind of love that (if Hobbes is correct) implies either benevolence or a desire for embraces.

That said, it is interesting to note that Hobbes immediately follows the statement of the argument in *On Man* with the assertion that the “love” we owe God is properly nothing more than obedience to his commands (DH 14.2, quoted above). Having explicitly rejected interpersonal forms of love of God as improper, he also seems to be implicitly rejecting non-interpersonal love of God as well (at least as we would usually understand it, as a matter of sentiment, feeling, or affective attitude). It is as if Hobbes wants all talk of “love of God” reframed, purged of its usual connotations of feeling, passion, and sentiment, and resolved entirely to a matter of obedience to commands. And, speculating a little, perhaps it suggests that

even in the later period of *On Man*, Hobbes still holds that love for God in the more comprehensive sense is either improper or impossible for other independent reasons that he does not share in this text – possibly including the sort of reasons given in his earlier argument from inconceivability, or in the argument from ignorance that I examine next.

The Argument from Ignorance

I now consider one last argument problematizing love of God – “the argument from ignorance,” as I shall call it – that is not explicitly presented in Hobbes’s works, but that is a natural consequence of his express commitments both as they appear in the early 1640s period, and also again in the later works of the 1650s.

For Hobbes, to love some object in the most comprehensive sense of “love” (covering all forms of approbation and pro-attitude, interpersonal and non-interpersonal) is to regard that object as good; and to regard an object as good is to love it. As we have seen, love implies an appetite or attraction toward some object that produces pleasure. Further, according to Hobbes we call objects “good” only insofar as they produce pleasure and engage our appetites (EL 7.3; OC 14.17; AW 30.24, 38.5, 39.4; L 6.7: 80).⁹ Indeed, the term “good” having no objective, appetite-independent meaning, even talk about God’s goodness must be understood in this subjective, appetite-relative way (at least if it is intended literally, and not merely as an honorific label): “even the goodness which we attribute to God Almighty, is his goodness to us. [...] [W]e call good and evil the things that please and displease” (EL 7.3). So love for an object is inseparable from a view of that object as good.

But does Hobbes hold that God, the first cause, *is* good? Is God good to, or for, Hobbes himself, or good to, or for, humans more generally? In other words: can we expect God to be a source of pleasure for humans, or – since a judgment of God’s overall goodness will reflect the balance of pleasures and pains we anticipate from this being (EL 7.8; AW 30.35) – more pleasure than pain? The question is not impertinent in Hobbes’s system, since this is how we must judge any claim that God is good, i.e., a proper object of love. But in fact there is nothing in Hobbes’s philosophy

⁹ Notice that this holds whether Hobbes regards talk about an object’s goodness as representational and descriptive in character, or whether he views such talk as expressing purely non-representational attitudes (e.g., perhaps prescriptive attitudes). Either of these readings is consistent with the fact that Hobbes views any sincere judgment that an object is good as running in tandem with a conviction that that object is pleasure-producing (Holden 2016: 127, 133–4).

of religion that would suggest that God is good, or that humans are not to God as flies to wanton boys.

First, the nature of this being is completely opaque to natural human reason (EL 11.2; TSO 127). We can discern nothing about the intentions of this incomprehensible and inconceivable being, if indeed it has any, and nothing about its disposition toward us. Second, although Hobbes insists that we should *call* God “good,” and indeed sometimes calls God “good” in his own voice, this attribute is one of his leading examples of a title properly given to God in order to honor rather than describe. We should apply this title to God “in the sense that we are not trying to say what is [...] [but rather simply as] a sign of humility and of a disposition to give as much honour as one can” (OC 15.14; see also L 31.28: 566). In calling the first cause “good,” we should merely be giving it an honorific title – an “Attribute of Divine Honour,” as Hobbes will call it in *Leviathan* (L 31.14, marginal subheading: 564) – not hazarding any sort of judgment about God’s actual character. Third, neither of the theodicies that Hobbes advances suggests that God is in fact good to, or for, humans. In *On the Citizen* and *Leviathan* he answers “[t]he question, famously disputed by the ancients, *why bad things happen to good men and good things to bad men*” simply by asserting that God’s overwhelming power provides Him with an incontestable right to do whatever he wants (OC 15.5; L 31.6: 558–60). And in *Anti-White* Hobbes argues that there is no contradiction between the pious assertion that God is the author of every human action and the equally pious assertion that God is not the author of our sins, since (if we are speaking of God as Hobbes says we ought, in language intended to honor rather than describe) in neither case are we affirming truth-evaluable propositions or attempting to describe God, but merely offering so many performative “oblations” or acts of homage (AW 35.16). Each of these theodicies would disarm a version of the problem of evil. One can readily imagine a sincerely pious believer embracing either one of them, or both. But neither theodicy requires, or tends to show, that God is good. And if Hobbes thought that natural human reason could mount any real case for thinking God good, it would be surprising if he rested his apologetic arguments without saying so. Overall then, it seems that Hobbes holds that we cannot know one way or the other if God is good or not, in which case love of God is improper – premature, incontinent, and irrational. Loving the incomprehensible first cause of all would be like loving the contents of a sealed box when one has no idea what those contents are.

But even if Hobbes holds that natural human reason discovers no evidence that God is good, might he not yet hold that we know of God’s

goodness by way of scripture and supernatural revelation? In the nature of the case, it is impossible to rule out this hypothesis entirely. But there is no evidence that Hobbes takes any such doctrine from scripture. He never cites scripture as ratifying God's goodness, but only God's right to govern us, and our obligation to honor and obey Him, on the basis of his irresistible power (OC 15.6, citing Job 38:3 and John 9:3). Further, while scripture might promise us felicity in another life, Hobbes famously seems dismissive in *Leviathan*, stressing the incomprehensibility and irrelevance of such joy to humans as we are currently constituted (L 6.58: 96). And of course, the proposed hypothesis requires that Hobbes sincerely believes that some scripture is in fact a reliable source of information about the nature of God.¹⁰

One complication remains. I have said that, according to Hobbes, we ought to call God "good" not in an attempt to describe this incomprehensible being, but rather simply to show how much we honor it. Further, I have said that our rational duty to honor the first cause flows purely from a recognition of its overwhelming power. This at least is Hobbes's position in *Elements of Law*, *Of Liberty and Necessity*, and *Leviathan*, where reason mandates that we honor those who have more power than us (whether they be humans or the first cause itself) purely on account of that overmatching power:

[T]he acknowledgment of power is called HONOUR; and to honour a man (inwardly in the heart) is to conceive or acknowledge, that that man hath an excess of power above him that contendeth or compareth himself. (EL 8.5)

To honour God internally in the heart, is the same thing with that we ordinarily call honour amongst men: for it is nothing but the acknowledging of his power. (EL 11.12)

[T]o honour any thing, is nothing else but to think it to be of great power. (EW 5: 199)

Honour consisteth only in the opinion of Power. (L 10.48: 142, see also L 10.16–17: 134–6, 45.12: 1028)

To help confirm the point, Hobbes remarks that the ancient Greeks honored their gods with poems narrating the gods' "Rapes, Thefts," and

¹⁰ For the case that Hobbes did not sincerely accept the divine authenticity of scripture, see Curley (1996: 262); Strauss (2011: 72–94); and Holden (2018). For the rival view, see Pocock ([1971] 1989: 148–201) and Martinich (1992, 1996, 2012a).

“Frauds.” These poems proclaim the sheer power of the gods well enough, and do thereby show them honor, even while the gods are portrayed as performing “unjust, or unclean acts” (L 10.48: 142).

The problem is that in the chapter on natural religion in *On the Citizen*, by contrast, to honor a person (or God) inwardly in one’s thought seems to require believing that that person (or God) is not only more powerful than oneself, but also *good*. Here, when setting up his discussion of the outward signs of honor and forms of worship that we ought to give to God, Hobbes writes that:

Properly speaking, HONOUR is nothing other than the opinion one has of the union of *power* and *goodness* in another person. [...] Three passions are stirred by the opinion which is Honour: *Love*, which relates to *Goodness*, and *Hope* and *Fear* which relate to *power*. (OC 15.9)

And shortly afterwards, Hobbes writes of one being “honoured, i.e. loved and feared” (OC 15.13), and thereby presents honor as implying love, which, as we have seen, implies a view of its object as good. Moreover, even in *Leviathan*, where honor had been previously defined (in chapter 10) purely as an acknowledgment of power, we find a similar passage in the chapter on natural religion, with Hobbes again seeming to say that honoring someone implies thinking of that person as good as well as powerful:

Honour consisteth in the inward thought, and opinion of the Power, and Goodnesse of another: and therefore to Honour God, is to think as Highly of his Power and Goodnesse as is possible. (L 31.8: 560)

So in *On the Citizen* and again in L 31.8: 560 Hobbes writes as if we must regard God as *both* powerful *and* good in order to honor Him. And since Hobbes is very clear that we should honor God, it seems that he must regard God as good after all – not merely as deserving of the title “good” as an honorific, but good in the literal, straightforward sense. So to judge by these appearances, in *On the Citizen* and again in L 31.8: 560 Hobbes implies that God is *genuinely* good, and hence Hobbes could not endorse the argument from ignorance.

I think we should discount these appearances. We have here a conflict among the texts regarding what is required for us to honor a person (or a God) inwardly in the mind. In *Elements of Law, Of Liberty and Necessity*, and *Leviathan*, chapter 10, an acknowledgment of that person’s (or God’s) power is sufficient, whereas in *On the Citizen* and L 31.8: 560 an acknowledgment of both power and goodness is needed. It is not plausible to

suppose that the texts where an acknowledgment of power is sufficient are simply shorthand for the fuller view requiring an acknowledgment of both power and goodness, for not only do the former texts include Hobbes's official definitions of honor in chapters explicitly devoted to "HONOUR" or "POWER, WORTH, DIGNITY, HONOUR, *and* WORTHINESS" (EL 8 chapter heading, L 10 chapter heading), they also state in consistently exclusionary language that honoring requires "only," "nothing but," and "nothing else" than a recognition of power. (L 10.48, EL 11.2, EW 5: 199) So either we must say that Hobbes changed his mind repeatedly on this question, or we should take the one group of texts as presenting his settled and consistent view, and seek to explain away the appearances of the other. And in fact there is a compelling case for discounting the superficial appearances of *On the Citizen* and L 31.8: 560.¹¹ First, we have seen Hobbes raising explicit doubts about whether we can love God in any literal sense (in the argument from inconceivability) in the same early 1640s period as *On the Citizen*. But he could not have had these doubts if he held that God was in fact good, since whatever is good is *ispo facto* a proper object of love. Second, as we have seen, Hobbes holds that natural human reason cannot disclose the nature of the incomprehensible first cause, and I see no case in *On the Citizen* (or anywhere else) that would permit him to make an exception for God's goodness. Third, since *Elements of Law* and *Leviathan*, chapter 10 are the places where Hobbes addresses the nature of honor most extensively, it is reasonable to take these passages as presenting Hobbes's considered view, and to regard *On the Citizen* and L 31.8: 560 as merely indulging in a kind of flattering loose talk when stating the case for honoring God, perhaps permitting Hobbes to appear more conventional on this sensitive topic than he in fact is. Fourth and most important, Hobbes allows that we should indeed *call* God "good" (if only as an honorific), and thus can play along readily enough with *talk* of a good God whenever it seems appropriate to do so. Perhaps talking of God's goodness in this more expansive way does God more honor. Perhaps it avoids offending any traditional Christian readers who are accustomed to thinking of God's goodness as a real positive attribute and not merely an honorific title. But the point is that all such talk of God's "goodness," and of our awed response to that "goodness," can be understood as honorific in its underlying motivation.

¹¹ Notice that I am here employing a version of the interpretive 'rule of thumb' advocated by Michael LeBuffe in Chapter 5.

Love and Fear of God in *On the Citizen*

In texts composed in the same early 1640s period as *On the Citizen*, Hobbes expresses doubts about whether we can experience any feelings of love or fear directed toward the first cause of all (in “the argument from inconceivability”), and also doubts about whether feelings of *interpersonal* love toward God would be appropriate and respectful (in “the argument from honor”). I have also suggested that Hobbes’s general account of love as an attraction to objects deemed good (i.e. pleasure-producing), along with his insistence that the character of the first cause is entirely unknown, together imply the irrationality and incontinence of any feelings of love directed toward this being, at least absent any supernatural revelation of God’s goodness (“the argument from ignorance”).

Given these doubts about love and fear of God, how should we understand the mandate to love and fear God in *On the Citizen*? Is Hobbes simply inconsistent across these early 1640s works, or perhaps even dissembling, saying different things in a text intended for publication as against the privately circulated *Elements of Law* and *Anti-White*? But outright self-contradiction here is not in fact the most plausible interpretation. Instead, I propose that we understand the “love” of the first cause required in *On the Citizen* as nothing more than a disposition to obey God’s laws, which is to say the laws of nature. Hobbes is certainly prepared to employ traditional religious language valorizing love of the divinity, and even to cite scripture as requiring love of God. But here he does not intend “love of God” in the literal sense of these words. Without drawing much attention to what he is doing, and perhaps even being content for his conservative religious readers to interpret him in a more conventional sense, Hobbes quietly but explicitly alters the force of this expression. The “love of God” required from us is love in name only. It is not a kind of feeling or passion directed toward the first cause, but rather simply a matter of obeying the principles of natural law.

As for “fear of God”: here we do not have the same sort of textual evidence in *On the Citizen*, and so my proposed reading is significantly more speculative. However, it is not unlikely that when composing this work Hobbes intended “fear of God” to be nothing more than a disposition to obey the laws of nature, just as he did “love of God.” At least, this is the position that he subsequently enforces in *On Man*, which, even if published significantly later than *On the Citizen*, is after all presented as a companion work, setting out the philosophy of human nature that supposedly

underpins the moral and political system of *On the Citizen*.¹² Moreover, this understanding of “fear of God” would also be consonant with Hobbes’s commitment to the inconceivability argument in *Elements of Law* (which would plainly generalize to rule out fear of God as much as love of God), and with his express position in the Objections to Descartes that fear of an object requires an imagistic mental representation of that object.

Certainly Hobbes’s interest in “love” and “fear” of God in the chapter on natural religion is entirely a practical matter of obedience to divine commands. When considering “the *end* and *aim* of [worship],” he insists that when a person enjoys being worshipped it is because it shows that that person is “being honoured, i.e. loved and feared, i.e. that he has men’s services and assistance at his command” (OC 15.13). Love and fear matter because they promise obedience. Or, when Hobbes reviews the properly honorific ways of talking about God, he considers the case of disrespectful persons who claim that the first cause is indifferent to human affairs, and thereby imply that “they have no reason to love and fear God.” Hobbes regards this kind of talk as a problem not only because it dishonors God (OC 15.14), but also because it indicates a refusal to “accept [God’s] *precepts* or fear his threats” (OC 15.2). Again, love and fear of God matter because they are bound up with obedience.

Hobbes explicitly affirms the equivalence of love of God (as he understands it) with obedience to God’s laws in a dizzying passage in which a number of virtues – repentance, love of God, love of neighbor, charity, justice – are reduced one after another to “obedience,” by which Hobbes means “nothing other than the *will* or *effort to obey*, i.e., to act according to the laws of God, i.e., the moral laws which are the same for all, and the civil laws” (OC 18.3). He argues as follows:

[O]bedience is equivalent to *Repentance*. For the virtue of *Repentance* does not consist in the pain which accompanies the memory of a crime, but in a turn to the right direction and a determination not to offend again. Those who love God cannot fail to want to obey the Divine law and those who love their neighbour cannot fail to want to obey the moral law, which consists [...] of the prohibition of *pride*, *ingratitude*, *insult*, *unkindness*, *unmercifulness*, *wrong* and such offenses by which we hurt our neighbours. Therefore *Love* too, or *Charity*, is equivalent to the word *obedience*; *justice* (which is a steady determination to give everyone his due) is also equivalent. (OC 18.3)

¹² On the place of *On the Citizen* and *On Man* within Hobbes’s tripartite *Elements of Philosophy*, see Chapter 1.

So “*Love*” – whether love of God or love of neighbor – “is equivalent to the word *obedience* [voci *obedientiae* æquiualeat etiam *Amor*]”: the identification is explicit. And indeed Hobbes must hold that the reduction of “love of God” to obedience is entire. The driving purpose of this chapter is to show that *all* religious virtues resolve to nothing more than faith on the one hand or obedience on the other (OC 18.2–6) – so that repentance and justice, for example, are *exhaustively* reducible to obedience. Hobbes must likewise intend the reduction of love of God to obedience in OC 18.3 to be entire, or the master argument of the chapter fails. Notice also that love in the ordinary sense of the word (whether it be interpersonal love or love for a different kind of object) does not entail obedience to the beloved. So when OC 18.3 presents love of God as entailing obedience, it is not because Hobbes is drawing out the usual implications of the word “love,” but rather revising its meaning.

If we take Hobbes at his word in this passage, *On the Citizen* can also be seen to cohere with the other works where Hobbes advances the same identification of love of God with obedience to God’s laws. As we saw, in *Elements of Law* Hobbes maintains that we cannot love God in the usual sense of “love,” and “to love God therefore, in the Scripture, is to obey his commandments and love one another” (EL 11.11). And in *On Man*, after rejecting the propriety of loving God as we might love a person, Hobbes immediately asserts that *both* the love *and* the fear we owe God is simply as a matter of our being disposed to obey God’s laws:

God is not to be loved by man, as man is by man. [...] To love God is to keep his commandments gladly. To fear God is to watch lest we fall into sin, in the same way that we are accustomed to keep the laws. (DH 14.2)

Since to love God *is the same as* to keep His commandments, and to fear God *is the same as* to fear lest we do something against His commandments, it can further be asked how one can know what things God hath commanded. To this question it can be replied, God himself, because He hath made men rational, hath enjoined the following law on them, and hath inscribed it in all hearts: that no one should do unto another that which he would consider inequitable for the other to do unto him. (DH 14.5, emphases added)

Here the “love” that we owe God is not some sort of passion, sentiment, or affective attitude directed toward this being, but simply a matter of being disposed to obey God’s commands, which commands are identified in DH 14.5, as they are consistently in *On the Citizen* (OC 2.1, 4.1–2, 15.8), with the rational principles of natural law. And as these passages also show, here

in *On Man*, “fear of God” is to be understood in the same way: as simply a matter of obedience to God’s laws, i.e. the laws of nature. Given the doubts about literal fear of God implied in Hobbes’s other early 1640s writings, Hobbes was most likely of the same opinion regarding “fear of God” when writing *On the Citizen*, even if this work only explicitly affirms the equivalence of “love of God” with obedience.

Conclusion

Reason dictates that we posit a being that is powerful enough to explain the entire imagination-defying cascade of causes. Further, in light of this being’s overwhelming power, reason dictates that we should honor it inwardly in our thought (i.e., acknowledge its power), and display that inward honor as best we can in outward signs, meaning worship in words and actions. (OC15.8, 15.10–11) Among the rest this includes ascribing “attributes of divine honor” to the first cause – applying titles to it not with descriptive intent, but purely for the connotations of honor these words have among humans – and hence calling this being “good,” (and “just,” “wise,” and so on) and speaking of it as if it were a proper object of love and fear.

But it does not follow that we should actually love and fear the first cause. In *On the Citizen*, consistent with Hobbes’s skepticism about love of God in other early 1640s works, the “love” that we owe God is nothing more than obedience to the laws of nature, a kind of love in name only. And when writing *On the Citizen*, Hobbes may well also have had the same revisionary view of the “fear” that we owe God, as he does later in *On Man*. On this interpretation, what we owe the first cause, along with a recognition of its overmatching power and the outward display of honor (i.e., worship) that follows, is simply the conformity of our behavior with the rational principles of natural law. Of course we might also have hopes and fears directed toward the (readily imaginable) good and bad events that we judge the first cause may yet bring upon us, and we might speak of these solicitous passions as part of our natural piety. But none of this need entail any passion directed toward the unimaginable first cause itself as object.¹³ Milton’s seraphim are unable to look directly at God, but can only peek through their wings at the blazing beams of light that radiate out from the deity. So likewise the passions of Hobbes’s humans are unable to latch on to the inconceivable first cause, but only affix to objects and

¹³ See note 8.

events in the natural spate of causes that traces back to this mysterious empyreal being.

Hobbes is an unconventional religious thinker with a highly original account of the forms of religious speech and practice mandated by natural human reason. If the argument of this chapter is correct, by the period of *On the Citizen* that account includes a comprehensive reinterpretation of the traditional duty to love God, and likely also the duty to fear God as well. Hobbes regards such God-directed passions as irrational, anthropomorphizing, and perhaps even impossible, and reframes the “love” and “fear” that we owe the first cause as simply a matter of rational conformity with the laws of nature. Those who favor an esoteric irreligious interpretation of Hobbes may seize on this as one more insinuating hint toward a godless world. But I see no reason to doubt that Hobbes was sincere in holding that we ought to posit an overwhelmingly powerful being that is properly dignified as “God” and “the first cause,” or in maintaining that we owe this being both honorific titles and worship, and obedience to the moral laws it has inscribed through reason in the human mind.

“A Rhapsody of Heresies”: The Scriptural Politics of *On the Citizen*

Alison McQueen

The seventeenth-century polymath and intellectual entrepreneur Marin Mersenne was comfortable with controversy. He promoted works with which he deeply disagreed. He solicited objections to works with which he was sympathetic, like René Descartes’s *Meditations*. But when Mersenne received a copy of Thomas Hobbes’s *On the Citizen* in November 1641, he knew he had to tread carefully. He arranged for a small run of copies that bore neither Hobbes’s nor the printer’s name. The copies were not sold. Instead, Mersenne quietly circulated them among a hand-picked group of correspondents. His motives for doing this are not clear. Perhaps he wanted to gather feedback to which Hobbes might then respond in print. Maybe he intended it as a kind of trial balloon (Malcolm 2002: 472–3; Parkin 2007: 34). Whatever his motives, Mersenne’s caution was justified.

Hobbes’s new book was controversial. Critics overwhelmingly focused their ire on the book’s discussion of religion. Baptiste Masoyer-Deshommeaux, a Catholic correspondent of Mersenne’s, wrote that *On the Citizen* “is a rhapsody of heresies . . . [Hobbes] wants to unite sovereign priesthood with princely power, with the result that there will be as many heads of religion as there are princes . . . The only sort of correction this book deserves is that made by fire” (as quoted in Malcolm 2002: 473). This sort of reaction was hardly surprising from Catholic readers. As we will see, in resisting claims to independent spiritual authority, *On the Citizen* denies the possibility of a universal church. But, while others were perhaps less bitter in their condemnation, Masoyer-Deshommeaux’s general assessment was widely shared by Protestant readers on the Continent and in England (Malcolm 2002: 472–5; Parkin 2007: 34–6).¹ Hobbes’s

¹ These reactions raise questions both about a dominant view in the literature and Hobbes’s own portrayal of the reception of *On the Citizen*. Richard Tuck (1993a: 319) and A. P. Martinich (1999: 180) both suggest that *On the Citizen* was well-received, at least among members of the Anglican establishment in England. Even Lodi Nauta (2002: 593), who is at pains to stress the continuities in religious arguments between *Elements of Law*, *On the Citizen*, and *Leviathan*, suggests that the

previous political work, *Elements of Law*, received nothing like this sort of response. While some of Hobbes's readers – most notably, Edward Hyde – were concerned about the work's political arguments, the religious portions of *Elements* were largely met with silence.

How, then, was *On the Citizen* different from this earlier work? Perhaps some of the variations in reaction can be explained by differences in readership. *Elements* was primarily aimed at practicing politicians in England and was likely circulated among the king's advisors and Members of Parliament. Because it was also a work of philosophical interest, it attracted attention among some scholars at Oxford. *On the Citizen*, on the other hand, had a broader Continental readership (see Chapter 11). Mersenne intentionally circulated it to some whom he expected would be sharply critical of the work. So, we should hardly be surprised that *On the Citizen* was the target of more angry criticism than *Elements*.

However, since so much of this criticism focused on the religious and scriptural arguments in *On the Citizen*, at least some of the comparatively ferocious reaction to this work must be explained by features of its arguments. How, then, did *On the Citizen*'s religious and scriptural arguments differ from those in *Elements*? In order answer this question, we will have to break with a common tendency to treat *Elements* and *On the Citizen* as offering largely similar and acceptable religious arguments from which *Leviathan* would sharply diverge (see, for instance: Tuck 1991: xxxviii–xlv; 1992: 113–14; 1993b: 121–2). To be sure, there is something to this. *Leviathan*'s discussion of religion is perhaps more heterodox and certainly more polemical and expansive than anything that precedes it. Yet we should not let this blind us to the extent to which *On the Citizen*'s treatment of religion is a clear departure from that in *Elements*. It is the extent and nature of this departure that I want to focus on here.

The purpose of this chapter is to identify and explain three important changes in Hobbes's religious arguments from *Elements* to *On the Citizen*. First, Hobbes comes to focus more on religious and scriptural matters, devoting a greater amount of space to them in *On the Citizen* than in *Elements*. Second, Hobbes's argumentative strategy evolves. He multiplies independent lines of argument for the same central claims. Third, the content of Hobbes's arguments changes. In *On the Citizen*, he takes a

reception of *On the Citizen* was "favorable . . . among Hobbes's Anglican royalist friends." In his verse autobiography, Hobbes himself retrospectively claimed that *On the Citizen* was generally well-received and "Gratifi'd Learned Men" (VL 258). Jon Parkin (2007: 32–74) has recovered the critical responses to both editions of *On the Citizen*, particularly on questions of religion. He throws this standard interpretation into doubt.

Hebraic turn, offering a new and detailed discussion of the Israelite kingdom of God and relying far more heavily on scriptural evidence from the Old Testament. In each case, I will argue, these changes can be explained by the evolving religious and political context in England and Hobbes's increasing sensitivity to the challenges of religious pluralism.

Focus: Hobbes's Scriptural Turn

The first thing that strikes a reader comparing the treatments of religion in *Elements of Law* and *On the Citizen* is a quantitative shift. Just under one-fifth of *Elements* deals with religious and scriptural questions. This proportion doubles in *On the Citizen* to just under two-fifths.² What does Hobbes add?

In some cases, he expands familiar arguments from *Elements of Law*. For example, chapter 4 of *On the Citizen* ("That the natural law is the divine law") recycles much of the material from chapter 18 of *Elements* ("A confirmation of [the laws of nature] out of the word of God"). In both chapters, Hobbes uses scriptural evidence to show that natural laws are also divine laws. He expands this argument in *On the Citizen* in two ways. First, he adds to the list of natural laws. Because there are more laws of nature, more scriptural evidence is needed to show that they are laws of God. Second, Hobbes adds more scriptural support for arguments carried over from *Elements*. For instance, in both works, he argues that both the fundamental law of nature and the sum of divine moral laws is to seek peace. However, in *On the Citizen*, Hobbes significantly expands his scriptural support for this claim with a number of new passages, the majority of which are drawn from the Old Testament.³

In other cases, Hobbes adds entirely new material. For instance, virtually all of *On the Citizen*'s chapter 16 ("On the kingdom of God by the old Agreement") is new. Here, Hobbes offers his interpretation of the history of the biblical Israelites to show that the Mosaic polity was a kind of Hobbesian state (OC 16.13; 16.8–9). While Hobbes gestures toward the same point in *Elements*, he does so only briefly and without the detailed

² These calculations are done using rough word counts. In order to come up with these calculations, I have classed the following chapters as those dealing with scriptural and religious questions: 11, 18, 25, and 26 in *Elements* and 4, 11, 15, 16, 17, and 18 in *On the Citizen*.

³ For instance, compare EL 18.3 and OC 4.3. Both sections aim to show that the moral aspects of divine law are "precepts that tend to peace" (EL 18.3). However, the discussion in *On the Citizen* is substantially longer and Hobbes adds a number of additional pieces of scriptural evidence, the majority of which are drawn from the Old Testament.

narrative apparatus he provides in *On the Citizen*. Substantial portions of chapters 15 ("The Kingdom of God by nature"), 17 ("On the Kingdom of God by the new Agreement"), and 18 ("On what is necessary for entry into the Kingdom of Heaven") are also entirely new to *On the Citizen*.⁴

What accounts for these changes? Among the handful of scholars who acknowledge a clear disjunction between *Elements* and *On the Citizen*, Jeffrey Collins provides the most compelling explanation. According to Collins, Hobbes's main religious concern in *Elements* is to combat the threat to political order posed by private religious opinion and individual conscience. The work was written in the aftermath of the signing, distribution, and widespread acceptance of the Scottish National Covenant in 1638. Hobbes was worried, Collins (2005: 63–4) claims, about "the capacity of radical Calvinism to inspire individual political resistance." His arguments in the *Elements* were therefore "implicitly directed against 'covenanted' sectarians."

By the time Hobbes was writing *On the Citizen*, argues Collins, his primary concern had shifted to the threat posed by concentrated and established clerical power. Hobbes had now set his critical sights on ecclesiastical dualism – the claim that the church and its officials exercise an authority that is separate from and independent of that of the civil sovereign. Hobbes's resistance to dualism aligned him with opponents of the Laudian church who had found a new voice and influence in the Long Parliament.

For Collins, this shift in concern toward the dangers of dualism also explains what he sees as big changes from Hobbes's *Elements* to *On the Citizen*. While *On the Citizen* retains the *Elements'* worry about individual conscience, this concern "was being overwhelmed by [Hobbes's] more fundamental objections to traditional clerical dualism" (Collins 2005: 64). This shift, according to Collins, led Hobbes to greatly expand on existing arguments (e.g., about the dangers of sacerdotal jurisdiction) and to add entirely new arguments (e.g., that the state and the church are the same entity and that religious disagreement is a major cause of civil wars) (Collins 2005: 63–6; see also OC 1.5, 12.5, 17.21).

Collins' argument is both textual and contextual. I will deal with each aspect in turn. At the textual level, if Collins' interpretation is right, then

⁴ The work of pin-pointing places of change and continuity in Hobbes's major political works has been made much easier by Deborah Baumgold's three-text edition of these works (Hobbes 2017). Using this work as my guide, I have concluded that OC 15.1–8, 15.10–13; chapter 16; 17.1–2, 17.5, 17.7–22; 18.2–5, and 18.9–11 are new material.

we should expect to find two things. First, we should expect to find that *Elements* focuses far more on the dangers of private religious opinion than it does on the threat posed by dualist ecclesiology. Second, we should expect to find that, while *On the Citizen* retains this earlier discussion of individual conscience, the work is overwhelmingly focused on the threat of dualism.

Is this indeed what we find? Let us start with the *Elements*. Collins is right that significant portions of the *Elements* are directed at identifying and defusing the public dangers of private religious opinion. Hobbes makes a secular philosophical argument that conscience is a species of private judgment (EL 6.8). When the private judgments of individuals differ, conflict and war may follow. So, to escape the state of nature, we must alienate our private judgment and private conscience to the public judgment and public conscience of the sovereign state (EL 15.10, 28.8, 29.8).

Hobbes also devotes the entirety of chapter 25 to religious arguments meant to “take away [the] scruple of conscience concerning obedience to human laws” (EL 25.3). He makes two types of arguments. First, Hobbes makes an argument by attrition, which attempts to wear down the claims of conscience until virtually none remain (EL 25.3). There are, Hobbes concludes, far fewer conflicts between conscience and civil obedience than one might initially suppose. Second, he advances a “theology of reduction,” which dramatically limits the number of fundamental Christian doctrines (Guggisberg 1983: 38; Bejan 2017: 92). To be a good Christian, one need only believe that Jesus is the Christ and obey one’s sovereign in all actions which do not directly contradict this article of faith (EL 25.4–11). The requirements of faith almost always coincide with the demands of civil obedience. Let us call this the *coincidence claim*.

Even in the *Elements*, however, Hobbes is aware that private religious opinion is not the only threat to political order. Let us take a step back and consider how Hobbes’s treatment of individual conscience fits into the larger scheme of his argument. In *Elements*, as in his later political works, Hobbes’s fundamental concern is about divided allegiance. When the commands of my sovereign conflict with those of God, whom should I obey?⁵ There are two primary ways in which this difficulty arises. First, subjects might be inclined to follow their individual consciences against their sovereign. This, as we have seen, is the focus of chapter 25 of the

⁵ I discuss this problem and why it is such a serious one for Hobbes in McQueen (2018b: 129–31; 2019: 9–10).

Elements. Second, subjects might be inclined to follow the dictates of those who claim for themselves “a power in matters of religion either above the power civil, or at least not depending on it.” Hobbes devotes chapter 26 to this question. This second route to divided allegiance highlights the very problem of divided authority and ecclesiastical dualism that Collins argues is largely absent from *Elements*.

Over the course of chapter 26, Hobbes defends the sovereign’s ultimate jurisdiction over ecclesiastical and religious matters. Let us call this the *sovereign control claim*. He makes two arguments to support it. First, Hobbes argues that Moses wielded both civil and spiritual authority (EL 26.2–3). Insofar as the Mosaic polity is worth emulating, it points firmly in an Erastian direction. As Collins (2005: 63) notes, this argument is quite brief in the *Elements*.

Hobbes’s second argument is more detailed. Here, he makes a negative case against the claims to ecclesiastical and civil jurisdiction made by defenders of the Laudian church. They argued that bishops were apostolic successors and therefore had all the rightful powers that Christ had granted to his apostles. Hobbes takes this claim as given. He then argues that, because Christ held neither the ecclesiastical nor civil authority that contemporary clerics claim for themselves, Christ could not have granted this authority to others. Like Christ himself, the apostles only held powers of teaching and persuasion. Even if contemporary priests and ecclesiastical authorities are apostolic successors, their authority is similarly limited. While they may inform or persuade the sovereign on scriptural matters, he is not “thereby subject to their government and rule” (EL 26.10). Rather, their authority is subordinate to and dependent on his. This is, in the context of the comparatively brief treatment of religion in the *Elements*, a sustained argument. In short, in the *Elements*, Hobbes sees individual conscience and ecclesiastical dualism as *twin* threats to sovereign power and civil peace. The worry about dualism is hardly original to *On the Citizen*.⁶

But what of Collins’ interpretation of *On the Citizen*? As we have seen, Hobbes expands his treatment of religion considerably in ways that seem to have worried his friends and inflamed his critics. But can we account for

⁶ I agree with Collins (contra Richard Tuck) that there is a clear Erastian line of argument in *On the Citizen*. Tuck argues, almost entirely on the basis of OC 17.28, that Hobbes embraced something close to the standard Anglican position, which required the sovereign to seek the judgment of clergy on strictly religious matters. I think this passage is an aberrant one in *On the Citizen* (Malcolm 2012: 40–1). In contrast, he repeatedly argues that the sovereign has ultimate ecclesiastical and religious jurisdiction. On this, see Collins (2005: 66–9) and Chapter 11.

the work's expanded treatment of religion by appealing to a shift in Hobbes's concern toward the dangers of dualism? And does this concern "overwhelm" his arguments about the dangers of individual conscience?

Let us consider the example of chapter 16, virtually all of which is entirely new to *On the Citizen*. Collins argues that this chapter on the Israelite kingdom of God is primarily targeted at clerical dualists. It aims to undermine their case for independent ecclesiastical authority by demonstrating "the Erastian nature of the ancient polity of Israel" (Collins 2005: 63). This strikes me as a correct but incomplete interpretation. I will discuss Hobbes's Hebraic turn in more detail in the final section of the paper. For the moment, however, let us note that Hobbes also uses the political history of the Israelites to show, among other things, that:

- the basis of Moses' authority was a social contract (OC 16.9);
- the basis of the authority of the Israelite kings was a social contract and the rights of the king included all the rights of the Hobbesian sovereign (OC 16.16);
- prophecy poses a threat to political order that is as serious as private religious opinion or clerical dualism (OC 16.11); and
- while disobedience against a sovereign who demands treason against God is justified, the criteria for a treasonous demand are so narrow as to make civil obedience one's safest bet (OC 16.18).⁷

It is difficult to see these arguments as exclusively (or even primarily) directed against clerical dualists. Instead, Hobbes's aim seems much broader. He wants to defend civil sovereignty against multiple religious challengers, including not only dualists but also those who claim prophetic authority. He also wants to give scriptural support for his philosophical argument about the basis and extent of sovereign authority. As a textual matter, then, restricting Hobbes's purpose to combating ecclesiastical dualism is reductionist.

Once we recognize that Hobbes resists several challengers to the sovereign's religious authority, his anti-dualist arguments are not as "overwhelming" as Collins takes them to be. This is also clear when we look at how Hobbes builds upon his earlier arguments about the dangers of private religious opinion. *On the Citizen* contains a longer and more detailed discussion of the connection between the claims of conscience

⁷ This is the flip side of Hobbes's "theology of reduction." The only crimes of treason against God are "denial of divine providence" and "idolatry" (for Hobbes, "the worship of the gods of other peoples").

and rebellion than does the *Elements* (compare EL 27.5 to OC 12.2). In addition, while chapter 18 of *On the Citizen* recycles many of the arguments of chapter 25 of *Elements*, it also expands several of them and adds quite a lot of new material.⁸ Hobbes's attention to the dangers of individual conscience is hardly fading away. If anything, his argument becomes more detailed and sustained. Taken alongside the fact that Hobbes is focused on a variety of religious threats to sovereign authority and civil peace, Hobbes's discussion of conscience challenges Collins' reading of *On the Citizen*'s expanded treatment of religion and scripture.

As a contextual matter, Collins (2005: 61) is surely right that *On the Citizen* is, at least in part, "a piece of political commentary specifically responding to the first year of the Long Parliament." But this year produced more challenges to sovereign power and civil peace than the revival of clerical dualism alone. To be sure, Parliament waged a concerted attack on the institutions of clerical power – the episcopal courts, the Court of High Commission, and the Star Chamber. For those who opposed the Laudian church and its jurisdictional pretensions, this was cause for celebration. In an invited sermon before Parliament in September 1641, Stephen Marshall waxed euphoric about England's wonderous gains over the past ten months:

This yeer have we seen broken *the yokes* which lay upon our estates, Liberties, Religion, and Conscience; the intolerable yokes of *Star-Chamber*, and *terrible High-commission* and their *Appendances*, unsufferable pressures to many thousands, all eased, removed, broken and swept away . . . This yeer have we seen the two houses of Parliament . . . enter into a *Protestation* promise and vow for defence of Gods true Religion against all *Popery* and *Popish Innovations and superstition*. This yeer the Complaints of the *Imprisoned, outcast, persecuted*, and afflicted we have seen and heard, tenderly received into the high and honorable Court of Parliament, and the faces of many proud enemies covered with shame. (Marshall 1641a: 45–6)

Many others expressed similar elation – that is, until the Irish Rebellion began the following month and ushered in a mood of chastened disillusionment (Cressy 2006: 172–6). Hobbes himself cautiously approved of the dismantling of the Laudian church. "Ministers ought to minister rather than governe," he wrote in a 1641 letter to William Cavendish.

⁸ For instance, while OC 18.6 comes to the same conclusion as EL 25.6, the discussion in *On the Citizen* is longer, offering more detail and scriptural evidence. OC 18.2–5 and 18.9–11 are entirely new.

“Experience teaches . . . that the dispute for [precedence] betwene the *spirituall* and *civill power*, has of late more than any other thing in the world, bene the cause of *civil warres*, in all *places of Christendome*” (C 120).

But if this assault on episcopal power was cause for celebration in Parliament, it was also cause for deep worry among the defenders of order. The breakdown of Laudian uniformity had left a vacuum that was filled with cacophonous plurality. So many men, so many minds,” lamented the waterman poet John Taylor (1642: 2). “The World is growne into a new confused Chaos,” he complained. “There is such a giddiness in the profession of Religion, that every one almost is led by his own opinion, and most men in matters of judgement are divided against one another” (Taylor 1642: 1).

As the conflict between King and Parliament intensified, this “giddiness” would lead some to claim that God demanded resistance against Charles I. This cacophony of spiritual voices worried Hobbes as much as entrenched clerical power. He directs *On the Citizen* explicitly against both “Churchmen” and “Sectarians” – against those who claim civil power for the church and those who ask subjects to take up arms against their king (OC Pref. 23). As he praised the Parliamentarian attack on the episcopacy, he also shuddered at its effects. I think it is plausible to conclude that Hobbes expanded his treatment of religion in *On the Citizen* not because he became overwhelmingly focused on the dangers of clerical dualism but because the spiritual threats to sovereign power and civil peace had multiplied. From now on, the battle would have to be waged on several fronts.

Structure: Hobbes’s Strategic Turn

Hobbes followed the political and religious events in England closely from Paris.⁹ He wrote *On the Citizen*, he tells us, because “it happened that my country, some years before the civil war broke out, was already seething with questions of the right of Government and of the due obedience of citizens, forerunners to the approaching war.” Among those arguing against monarchical power and absolute sovereignty were preachers, confessors, and casuists who were trying to show that their rebellious doctrines were “consistent with the Word of God” (OC Pref. 19–20).

⁹ For instance, a 1641 letter to William Cavendish (quoted above) reveals that Hobbes was following Parliament’s efforts to dismantle the episcopacy closely and had read a copy of an anti-episcopal petition (C 120).

One of the ways in which Hobbes waged his battle against these rebellious doctrines was by proliferating the arguments in support of his core claims. There is, I have argued, no dramatic change in the content of the core claims of Hobbes's religious argument from *Elements* to *On the Citizen*. He seeks to defend the sovereign control and coincidence claims in both works. However, in *On the Citizen*, Hobbes multiplies independent lines of argument in support of them.

Before we proceed, there is something worth noting about the relationship between the sovereign control and coincidence claims.¹⁰ If Hobbes aims to show that Christian subjects owe obedience to their civil sovereigns, then these two claims seem like argumentative overkill. They overdetermine the conclusion.¹¹ If the first argument succeeds in persuading Hobbes's audience, there is no need for the second one. If one is persuaded on scriptural grounds that the civil sovereign wields not only ultimate secular political authority, but also ultimate sacred authority, the problem of divided allegiance does not arise. God's laws do not demand rebellion.

The fact that Hobbes offers the second argument suggests that he thinks there are some who will not be persuaded by the first. Those who do not accept the sovereign control claim may still find themselves wondering whom to obey. For these readers, Hobbes offers his second argument, the coincidence claim: even if the sovereign does not possess ultimate sacred jurisdiction, the requirements of faith coincide with the requirements of obedience.

What might have led Hobbes to think that the first argument might fail to persuade? In the 1630s and early 1640s, critics of the Laudian church claimed that it was backsliding toward Catholicism. Charles I, as head of the Church of England and a king with a Catholic wife was also increasingly cast as "popish" (Lake 1989: 72–106). In such circumstances, the sovereign control claim would have been hard for some to accept. Hobbes might well have concluded that there would have been many who would reject the sovereign control claim and that they would do so specifically on the grounds of conscience. The coincidence claim is for them.

So, one might think of the relationship between the two claims in the following way:

¹⁰ The following four paragraphs rehearse and reproduce part of an argument I give in McQueen (2019).

¹¹ For another discussion of Hobbes's tendency toward overdetermination, see Hoekstra (2006b: 57–9).

1. The *sovereign control claim*: the civil sovereign has ultimate jurisdiction over ecclesiastical and religious matters.
2. The *coincidence claim*: whether or not (1) is true, the requirements of salvation coincide with the requirements of obedience.

Elsewhere, I have called this a “convergent argument” (McQueen 2019). It is an argument that overdetermines the conclusion by offering multiple independent, though not necessarily inconsistent, claims. Such arguments are common in judicial and forensic argument, where they are used to show that, regardless of the view one reaches about the relevant facts or the interpretation of the relevant rule, one must accept the advocate’s conclusion. This sort of argument is also well-suited to the circumstances of religious pluralism, in which no single claim is likely to be accepted by everyone.

In *On the Citizen*, Hobbes doubles down on this convergent strategy, proliferating the arguments in support of both the sovereign control and coincidence claims.¹² For instance, as further support for the sovereign control claim, Hobbes offers one of *On the Citizen*’s most controversial arguments. Scripture tells us, Hobbes explains, that a “church” is some sort of group of Christians. In order for a church to be the sort of entity to which we can attribute words and actions, it must be a “group” with a unified corporate identity capable of generating individual obligations for its members. Otherwise, it is merely a “crowd [*multitudo*]” of Christians. In order to generate a unified corporate identity, there must be a “definite and recognized, i.e. legitimate authority” that can rightfully assemble members and compel attendance. For, no one is bound by the decisions of an unlawfully assembled, or seditious, group. And unity is not possible where summoned members “have the right not to come” (OC 17.20).

The upshot to this argument is that a Christian commonwealth and a church are the same thing. For, as Hobbes summarizes,

The material of the commonwealth and of the church are the same, namely the same Christian men. And the form which consists in the legal authority to summon them is also the same; for it is common ground that individual

¹² For reasons of space, I just discuss an instance of argument proliferation for the sovereign control claim. For an example that involves the coincidence claim, consider Hobbes’s argument about the necessity of interpreting God’s laws (e.g. the ten commandments) and the silence of Christ on civil law and politics. The upshot is that Christ commanded civil obedience and was silent on most of the matters that civil law regulates. The civil sovereign rightfully legislates to fill these silences. Once again, Hobbes is arguing that there is simply far less conflict between God’s laws and civil laws than one might suppose (OC 17.10–22).

citizens are obliged to come to the spot to which they are summoned by the commonwealth. And what is called a commonwealth in being made up of men, is called a church in being composed of Christians. (OC 17.21)

The civil sovereign has jurisdiction over ecclesiastical affairs not only because, as Hobbes had argued in *Elements* and repeats in *On the Citizen*, the authority of church officials is subordinate to and dependent on the sovereign's. The civil sovereign wields this jurisdiction because *the commonwealth is the church*.

This argument shocked Hobbes's readers. Prominent Anglo-Catholic clergyman and theologian Herbert Thorndike wrote that he had "all the reason in the World to stand astonished" at Hobbes's conclusion that "a Christian State, and a Christian Church are the same thing" (Thorndike 1649: cxv). The cleric, theologian, and concerted antagonist of Hobbes, John Bramhall, was similarly appalled. If the church and the commonwealth are one and the same, a universal church would be impossible.¹³

On the face of it, these criticisms are a bit puzzling. The *material* identity between church and commonwealth had been an accepted part of Anglican doctrine since Richard Hooker's argument for it in the sixteenth century (Hooker 2013: 8.1.4; see also Mortimer 2011; Olsthoorn 2018: 15–16). However, Hobbes argues not only for *material* identity, but also *formal* identity. The same authority that unites individuals into a civil person also unites the commonwealth into a church, allowing them to speak and act as one. They would speak with the voice of the sovereign. This, presumably, is what enraged some of his critics.

Hobbes was, of course, not one to shy away from controversy. Yet his argument is puzzling because it is not strictly necessary. Hobbes had already offered philosophical and scriptural arguments that the rights of the sovereign include control of the church. Why might he have risked proliferating controversial arguments?

He might have had philosophical reasons. Perhaps Hobbes simply realized that the account of corporate personhood he had developed in the political argument of *On the Citizen* might also be brought to bear on ecclesiastical questions (OC 5.6–6.3).¹⁴ But I suspect this philosophical urge would have been less pressing had Hobbes not also wanted to respond to the circumstances of religious pluralism. The Tudor humanist texts

¹³ Bramhall's original criticisms of *On the Citizen* have been lost. However, Parkin (2007: 42) plausibly reconstructs them from Bramhall's references to *On the Citizen* in *The Catching of Leviathan* (1658).

¹⁴ Thanks to Johan Olsthoorn for raising this possibility.

from which Hobbes would have learned the art of rhetoric advocate this kind of argument proliferation when dealing with diverse audiences with different beliefs and prejudices (Wilson [1560] 1994: 140, 144).¹⁵ For those who do not accept Hobbes's other arguments for the sovereign's authority over ecclesiastical matters, he can point to the identity of the commonwealth and the church. These are the rhetorical tactics of an advocate, not a theologian. But when God's laws are being used to justify rebellion, the last thing one needs is a theologian.

Content: Hobbes's Hebraic Turn

If Hobbes was going to combat the rebellious doctrines swirling in England, he would have to engage them on their own terms. This strategy, I think, explains one of the most dramatic differences between *Elements of Law* and *On the Citizen*. In *Elements of Law*, Hobbes draws the overwhelming bulk of his scriptural evidence from the New Testament. Only sixteen percent of the work's scriptural citations are taken from the Old Testament. Hobbes relies heavily on texts like the Gospel of Matthew to support his arguments against the claims of conscience and unauthorized religious authorities.¹⁶ *On the Citizen* marks a dramatic departure from this citational strategy. Here, fifty-two percent of Hobbes scriptural citations are to the Old Testament. The majority of these Old Testament citations are to the Pentateuch and the historical books, which together recount the origins and history of the Israelites.¹⁷

Hobbes uses these Old Testament citations for two ends. First, he adds a wealth of Old Testament evidence to arguments that he recycles and expands upon from *Elements*. For instance, in chapter 4 of *On the Citizen*, Hobbes uses thirty-eight percent of his total Old Testament citations to

¹⁵ Kinch Hoekstra (2006b: 57–9) also recognizes Hobbes's strategy of offering different arguments for different readers. See also McQueen (2019).

¹⁶ Citations to Matthew account for twenty-two percent of Hobbes's total scriptural citations. These figures are based on my own count of biblical of citations in J. C. A. Gaskin's edition of *The Elements of Law*. The count includes those biblical citations inserted by Hobbes himself. Hobbes is careful in *Elements* (though less so in subsequent works) to provide citations for all those biblical passages he cites directly. When Hobbes cites multiple verses of a biblical chapter within the same paragraph, I have counted the range of verses as a single citation.

¹⁷ These figures are based on my own count of biblical citations in Richard Tuck and Michael Silverthorne's edition of *On the Citizen*. The count includes those citations included by Hobbes as well as editorial interpolations of biblical passages that Hobbes quotes directly. It excludes editorial interpolations of biblical narratives that are paraphrased (i.e., not quoted directly) by Hobbes. When Hobbes cites multiple verses of a biblical chapter within a single paragraph, I have counted the range of verses as a single citation.



Figure 1 Frequency of "Israel" in British English texts published between 1600 and 1660 (measured as a percentage of all unigrams, or single words, contained in Google's sample of books from this period). Note the steep increase during the first half of the English civil war. To put this information in context, I have also included the frequency of "Parliament" during the same period.

Google Books Ngram Viewer.

further support his familiar argument that the natural laws are also divine laws. Here he makes ample use of passages from the Proverbs to support this case. Second, he uses Old Testament citations from the Pentateuch and the historical books to support the rights of sovereignty in *On the Citizen's* chapter 11 and to sketch a new narrative of the political history of the Israelites in chapter 16.

Why might Hobbes have thought it necessary to add this additional evidence and this new narrative? I think that Hobbes recognized that the history of biblical Israel was assuming a central place in the charged political and religious debates of the early 1640s (see Figure 1). Interest in the Old Testament blossomed in England after the Reformation.¹⁸ A Protestant culture of bible reading and translation encouraged literate believers to read the Old Testament for themselves. Instruction in biblical Hebrew increased in England, as it did in other Protestant states (Jones 1983: 180–220). When they read the Old Testament, English reformers found stories that spoke directly to them. They saw a prefiguration of the English Protestant experience – the experience of a chosen people battling challenges to their faith and their obedience to God (Lewalski 1979).

While defenders of monarchical authority and royal supremacy would often appeal to the examples of the great Davidic kings, the Parliamentarian side enlisted the Old Testament for more radical ends. It was not hard

¹⁸ Elements of this paragraph and the following one draw from McQueen (2018a), which offers a more detailed account.

to find unsavory members of the Davidic line – the tyrants and idolaters who invited God’s wrath and Israel’s punishment. Things seem to have gone downhill for the Israelites after they had asked Samuel to make them “a king to judge [them] like all the nations” (*1 Sam 8:5*).¹⁹ What they got – indeed what God warned them they would get – were absolute rulers to whom they owed unwavering obedience.

When blessed with a Solomon, this could be borne. When cursed with a Rehoboam or an Ahab, the request for a human king started to look like a grave mistake. For the Parliamentarians and their allies, the key to understanding the turbulent history of the Israelites lay in their early history. This was a people bound in a covenant with God.²⁰ When they kept this covenant and lived according to the law, the Israelites prospered. When they strayed or were led into idolatry by their kings, the Israelites suffered political division and war. As for Israel, so too for England.

These Hebraic warnings are a persistent motif in parliamentary fast sermons. From the earliest days of the Long Parliament, preachers were invited to deliver sermons to the House of Commons. Those sermons of which the House approved were then printed and issued for public consumption. The preachers were overwhelmingly drawn to the Old Testament. Of the 240 sermons that were delivered to the members of the Long Parliament and subsequently printed, seventy-five percent took Old Testament passages as their texts.²¹ In the first year of the Long Parliament, all eight sermons that were printed were on texts from the Old Testament.²²

The inaugural fast sermon introduced the Hebraic interpretation of England’s triumphs and tribulations that would become the stock in trade of parliamentary sermons for a decade to come. When Members of Parliament assembled at St. Margaret’s, Westminster on November 17, 1640, there was much cause for cheer. The Scots, who had fought Laudian innovations and abolished the episcopacy, seemed to be basking in God’s favor. They had defeated the king’s forces at Newburn and were now occupying part of northern England. They would leave, they said, as soon as Charles paid their expenses. In order to do that, the king had to

¹⁹ Unless otherwise noted, all citations to the Old Testament are from the King James Version. For an analysis of the role of this passage in early modern debates about the best regime, see Nelson (2010: 23–56).

²⁰ On the centrality of the Israelite covenant to Parliamentarians and their allies in this period, see Guibbory (2010: 99–101) and Kahn (2004: 100–18).

²¹ These figures are based on Christopher Hill’s (1994: 83) calculations.

²² See the sermons delivered between November 11, 1640 and December 22, 1641 in Jeffs (1970).

summon a parliament. Almost immediately, its members moved to impeach the king's advisor, Lord Strafford, and advance an ambitious agenda of reform.

So it was an emboldened parliament that gathered to hear Cornelius Burges, rector of St. Magnus, London Bridge, on the morning of November 17. Two months earlier, Burges had journeyed north to present Charles I with an anti-Laudian petition. The king had summarily dismissed him (Kirby 1939: 531). Now, Burges would call upon Parliament to act. His text was Jeremiah 50:5 – "They shall aske the way to Zion with their faces thitherward, saying, Come, and let us joyne our selves unto the Lord in an everlasting Covenant that shall not be forgotten" (as quoted in Burges 1641: 3). Leading Parliamentarian John Pym had also "advocated a 'covenant' among the enemies of popery and tyranny" (Trevor-Roper [1967] 2001: 277). Burges was adorning this argument in Hebraic garb, calling on England's Israelites to likewise join themselves in covenant. He reminded his listeners that Jeremiah had foretold the "total and final subversion and ruine of Babylon and of that whole Monarchy" at the hands of armies from the north. "This Northern Army should be the confusion of Babylon, the confusion of Babylon should prove the restoring of the Church . . . And the restoring of the Church should produce a Covenant with God" (Burges 1641: 4–6). Freed from their exile, the Israelites would return home and Israel and Judah would be reunited. They would seek a perpetual covenant with God and would explain themselves thus: "My people hath been lost sheep: their shepherds have caused them to go astray" (Jer 50:6).

As James Spalding (1967: 28) explains, Burges' message would have been clear: "Scotland, a nation in covenant with God, was a judgment upon England whose shepherds (the bishops) had been leading the people from the true religion." Subsequent fast preachers would return again and again to this Hebraic interpretation of England's changing fortunes. Like Burges, they would urge their listeners to unite together with God in a covenant.²³ To live according to the terms of such a covenant, many would soon conclude, required not only religious reform, but political change as well. The "everlasting" covenant with God urged by Parliament's Jeremiahs would always trump the mere worldly contracts of obedience to one's sovereign (Kahn 2004: 102).

²³ The earliest reiteration of Burges' message came on the afternoon of November 17, 1640 when Stephen Marshall preached before Parliament. See Marshall (1641b). For further examples of covenant rhetoric in parliamentary sermons, see Kahn (2004: 100–18).

As we have seen, this sort of rebellious rhetoric troubled Hobbes immensely. Its distinctly Hebraic character was not lost on him. Looking back from the comparative calm of the Reformation, he laments:

The interpretation of a verse in the Hebrew, Greek, or Latine Bible, is oftentimes the cause of Civill Warre, and the deposing and assassinating [of] Gods anointed . . . It is not the Right of the Sovereigne, though granted to him by every mans expresse consent, that can enable him to do his Office, it is the obedience of the subiect which must do that. For what good is it to promise allegiance, and by and by to cry out (as some Ministers did in the pulpit) to your tents O Israell. (B 302)

In order to “show that the right of Sovereigns over citizens . . . is not in conflict with the holy Scriptures,” Hobbes would have to engage Parliament’s Jeremiahs in their own Hebraic terms (OC Pref. 16).

This is precisely what he does in *On the Citizen*. His strategy here is two-fold. First, while Parliamentary preachers had stressed the *exemplarity* of biblical Israel as a model for England, Hobbes stresses the *exceptionalism* of this ancient polity. He repeatedly emphasizes that the Israelites were God’s *peculiar* [= special] people, God was their *peculiar* king, and his divine civil commands their *peculiar* laws (OC 14.4, 15.4, 16.8, 16.10, 16.15, 17.8).²⁴ The early history of the Mosaic polity that Parliament’s preachers saw as an exemplary model for England was in fact exceptional. It was a civil kingdom in which God ruled over his *peculiar* subjects. This kingdom ended with the election of Saul and would not be restored until the Second Coming of Christ (OC 16.15, 17.5).²⁵ Hobbes tries to restrict a Hebraic license for rebellion by stressing the exceptionalism of the Israelite polity and fixing it firmly in history.

Yet perhaps Hobbes expected that many would be unconvinced by this suggestion. After all, the history of the Israelites was so enticing. If read correctly, it seemed to reveal God’s political preferences. How could the godly possibly ignore those? Hobbes’s second line of response accepts that the Mosaic polity and the Israelites’ covenant with God are exemplary. Properly understood, however, this example points to civil obedience rather than rebellion. In biblical Israel, religious and civil authority were

²⁴ Michael Silverthorne’s translation masks this repeated usage somewhat by alternately translating the Latin “peculiaris” and its variants as “particular,” “specific[ally],” and “peculiar[ly].” I think we understand Hobbes’s (and the Old Testament’s) point better if we stick with the English cognate “peculiar,” which conveys not only the uniqueness of the Israelites, but also the fact that they were God’s special *property*.

²⁵ Hobbes would later make the point more clearly in *Leviathan* (L 35.11: 642; L 40.11: 750).

fused – commonwealth and “church” were one. When the Israelites entered into the Mosaic covenant, they each agreed to obey God as their divine and civil sovereign. In exchange, God agreed to make the Israelites his “peculiar treasure . . . above all people . . . a kingdom of priests, and an holy nation” (Exod. 19: 5–6; see also OC 16.8). The Israelites would obey not only the natural laws, which all humans are obliged to obey, but also God’s civil laws, conveyed via Moses to the Israelites (OC 16.9–10).

Divine covenants, Hobbes stresses, are not made directly with a people. They are always mediated. It fell to Moses – God’s chosen prophet – to proclaim and interpret these laws. Because God did not speak but through Moses, this prophet was, *from the perspective of the Israelites*, a sovereign with authority over both civil and spiritual matters (OC 16.13; also OC 11.1). When Moses’ authority was challenged, God made his will powerfully manifest. Hobbes relishes the story of Corah, Dathan, and Abiram, who gathered “two hundred and fifty leading men of the Synagogue” to claim that they too spoke with God. Moses, they argued, had elevated himself above his holy people. “What God thought of this point may be seen,” writes Hobbes quoting the biblical account, “from the fact that [the three rebels] descended living into hell and a fire came out from the Lord and killed the two hundred and fifty men” (OC 16.13). If the Mosaic polity was to serve as a model for England, its lesson was that covenants with God are not to be made or remade at popular behest. Undertaken by earthly sovereigns, these agreements demand strict obedience to sovereign authority. In Hobbes’s hands, the early history of Israel had become a tool of sovereign power and a warning to a Parliament contemplating their own covenant with God.

Conclusion

In sum, while Hobbes’s core religious claims remained stable from *Elements of Law* to *On the Citizen*, his mode of argument changed dramatically. He expanded his treatment of scripture, he multiplied arguments like an advocate, and he engaged the Parliamentarian rebels on their own Hebraic terms. He knew these arguments would be controversial. But, he reassured his readers in the preface to the second edition of *On the Citizen*, he had done no more than was necessary. He had only targeted the religious doctrines “which undermine citizens’ obedience and weaken the state of the commonwealth.” In so doing, he managed to anger all sides, just as he would soon do even more spectacularly in *Leviathan*. But, perhaps to his credit, he would not yield. “I found my book very sharply criticized,” he

writes, “on the ground that I have immoderately enhanced the civil power, but by Churchmen; on the ground that I have taken away liberty of conscience, but by Sectarians . . . I was not moved by their criticisms to do more than tie those knots more tightly” (OC Pref. 22–23). Meeting the challenge of violent religious pluralism takes moral courage and intellectual grit. Hobbes had both in spades.

CHAPTER II

On the Citizen and Church-State Relations

Johann Sommerville

This chapter is about Hobbes's views on church-state relations, especially as he expressed them in *On the Citizen*. Hobbes had already written on such questions in *The Elements of Law*, and he was to delve into them again at far greater length in *Leviathan*. A key question concerning Hobbes's account of church-state relations is whether it changed drastically between *On the Citizen* and *Leviathan*. One important thesis on this point is that of Richard Tuck (1989: 85), who contends that in the first two books Hobbes was essentially an orthodox Anglican, but that by the time he published *Leviathan* he had completely rejected his earlier Anglicanism. Recently, Johan Olsthoorn (2018) has similarly argued that there was a sharp shift in Hobbes's views (though he de-emphasizes Hobbes's Anglicanism); he has linked it to changes in his ideas on the nature of a church (and, in particular, to his thinking about personation). By no means all Hobbes scholars support the notion that his theories on church and state underwent major changes between *On the Citizen* and *Leviathan*. The case for broad continuity has been voiced by Noel Malcolm (2012: 40–1), Lodi Nauta (2002), and Jeffrey Collins (2005: 66–8) for example – and it is endorsed again within this chapter. What follows delves into the details of the historical contexts that underlay the writing and reception of *On the Citizen*, and also into the arguments Hobbes there mounted about church-state relations. As we shall see, clerics of various denominations were generally hostile to the theories that Hobbes presented in the book, despite Hobbes's inclusion in it of some remarks conciliating their opinions. The clergy's failure to embrace what he said in *On the Citizen* may well have contributed to his decision to make far less effort to appease them in *Leviathan*.

It is unquestionable that there are differences in Hobbes's discussion of church and state between the two books. Hobbes published *Leviathan* in Protestant England, whereas *On the Citizen* was first printed in largely Catholic France, where he was living when it appeared. The vast chapter

42 of *Leviathan* focused most of all on demolishing the theory of the indirect papal deposing power which had been defended by Cardinal Robert Bellarmine (1542–1621). Bellarmine held that the pope is divinely empowered to promote the spiritual interests of humans by intervening in their temporal affairs and if necessary even deposing their rulers. In a case like this the pope did not act as a direct temporal overlord (or super-king) but employed his spiritual supremacy indirectly in the temporal sphere – which he could do because spiritual power is greater than temporal, just as the soul is more important than the body. Such ideas were vigorously challenged not only in England (whose Queen, Elizabeth I, had been deposed by the pope in 1570) but also in France. In 1610, the Paris Parlement condemned a book which Bellarmine had published in defense of the indirect deposing power against the Gallican William Barclay (a Scotsman who long taught in France) (Tutino 2010: 162). In the Estates General of 1614–15, representatives of the Third Estate requested that it be declared a fundamental law of the land that the king is independent of the pope, and not subject to deposition by him (Collins 2017: 89). French Gallicans asserted the autonomy of France while ultramontanes sided with papalists like Bellarmine. The Third Estate was soon treated to a *Harangue* made against the proposed article by Bellarmine's fellow-Cardinal, Du Perron (1615). Britain's King James I (aided by a French Huguenot) soon weighed in with a response to Du Perron (James I 1615).

In *Leviathan*, Hobbes spent much space on refuting the ideas of Bellarmine, and sometimes deployed his anti-papalist arguments against Presbyterians and Anglicans as well as against Catholics. But his main target was unquestionably papalist (or ultramontane) Catholics, of whom Bellarmine was a fine example. If we turn to *On the Citizen*, we find that things are rather different. It contains no mention of Bellarmine. The index to Richard Tuck's edition of *Leviathan* has some twenty-five references to “pope,” and many of these are to multiple pages. The index to the Tuck and Silverthorne edition of *On the Citizen* (OC) contains no references to “pope” at all. Nor does the fuller index in Howard Warrender's edition. True, in OC 6.11 Hobbes added an Annotation to the 1647 version in which he spoke of power extending into foreign countries which many people wrongly attribute “*to the Head of the Roman Church*” (*Ecclesiae Romanae Principi*), namely the pope. Moreover, Hobbes immediately toned down any implicit anti-papalism in his remark by adding that, outside the Church of Rome, bishops also sometimes claimed excessive power and so caused conflict, and, indeed that individuals did the same

thing by using the pretext of religion to claim liberty.¹ Of course, Hobbes did not endorse the papal deposing power in *On the Citizen* any more than he did in *Leviathan*. But he spoke much more trenchantly against popes and popery in the latter than in the former work. *The Elements of Law* had much less to say about religion than *On the Citizen*, but in it Hobbes quoted Bellarmine on the indirect deposing power, and explicitly rejected his arguments (EL 26.10). He also sometimes talked about the pope or Bishop of Rome (EL 25.2; 25.13; 26.1).² It is likely that one reason why Hobbes was relatively reticent about Catholicism in *On the Citizen* is that the book was completed and first printed in France, where Catholics held power.

There are other and, in some respects more important ways in which the case mounted on church-state relations in *On the Citizen* differed from that put forward in *Leviathan*. In the latter book, Hobbes argued that sovereigns are fully empowered to perform functions that many regarded as confined to the clergy, such as preaching and administering the sacraments. The sovereign, he said, was “the Supreme Pastor of his own Subjects” and did not need ordination by imposition of hands (which was a standard way by which people became clerics or pastors) (L 42.72: 856). In *On the Citizen*, in marked contrast, Hobbes stated that Christ promised infallibility on those things that were necessary to salvation “to the *Apostles* and to the *Pastors* who were to be consecrated by the *Apostles* in succession by the *laying on of hands*.” He added that “As a Christian, therefore, the holder of sovereign power in the commonwealth is obliged to interpret holy scripture, when it is a question about the *mysteries of faith*,

¹ Noel Malcolm (2012: 42) contends that “in one small but striking way, the argument of *Leviathan* is in fact more friendly to Roman Catholicism than that of *De cive*” for in the latter work Hobbes argues that a sovereign “could not concede or transfer” power over religious matters “to an external authority” (OC 17.27), whereas in L 42.70: 854 he said that Christian kings could “commit the Authority of Ordaining Pastors” to another king, as many now did to the pope, provided that “this does not involve acknowledging that the Pope possesses a higher authority.” However, Malcolm (2012: 42n) notes that the two passages “can perhaps be reconciled, on the basis of the distinction between transferring a right and delegating the exercise of it.” In OC 17.27 Hobbes talks about transferring key sovereign rights (which he thinks cannot be done) whereas in L 42.70: 854 he discusses the practice of kings committing to the pope the management of ecclesiastical affairs on a temporary and revocable basis, while explicitly retaining sovereignty. Malcolm observes that “the possibility of delegation in this case is not even hinted at in the discussion in *De cive*.” Perhaps it did not need to be hinted at, since Hobbes’s Gallican French readers were already aware that their sovereign the king had delegated much of the management of the church to the pope. Malcolm (2012: 41–7) discusses the reasons why *Leviathan* contained so much more material than his earlier writings targeted at the thinking of ecclesiastics and especially at Bellarmine and like-minded Catholics.

² For references to EL, I have consulted the British Library MS Harley 4235.

by means of duly ordained *Ecclesiastics*" (OC 17.28). At least on the surface, this looks very much like conventional Anglicanism or Gallicanism, with which Richard Hooker, William Barclay, or Jacques-Bénigne Bossuet would readily have agreed. And it might seem as though Hobbes here expressed principles that are very different from those that he later voiced in *Leviathan*.

On the other hand, it is plain that the theories articulated in the two books have a great deal in common. In particular, both place much emphasis upon the need for an absolute and indivisible sovereign in any state. But how can an absolute ruler be obliged to interpret religious questions by means of rightly ordained clerics? As we saw, modern scholarship is divided on this point. One view is that Hobbes's statement in *On the Citizen* about the Christian sovereign's obligation to consult ecclesiastics was, as Noel Malcolm (2012: 40–1) puts it, "highly anomalous, as it went against the whole drift of Hobbes's argument up to that point, which had emphasized that the sovereign was the supreme interpreter." Malcolm notes that the anomalous passage has sometimes been used to support the argument that Hobbes's theory changed in large ways, from orthodox Anglicanism in *The Elements of Law* and *On the Citizen* to something much more radical. Malcolm himself takes the line that Hobbes's theory did not undergo such major change. Similarly, Lodi Nauta (2002) has argued powerfully that there was no "dramatic change" in Hobbes's thinking on religion and church-state relations between the *Elements* and *Leviathan*.³

A very different thesis has been eloquently advanced by Richard Tuck (1989: 85), who affirms that "Hobbes's religious ideas as set before his public by 1642 [in other words, in the *Elements* and *On the Citizen*] were extremely close to orthodox Anglicanism." Like "all Anglicans," Tuck proceeds, "he combined a belief in the supremacy of the sovereign in doctrinal matters with a commitment to the special role of the apostolic church in prescribing what dogmas the sovereign should enforce upon his citizens." In Hobbes's first two books of political philosophy, Tuck contends, he argued for "an autonomous national church headed by the civil sovereign, but with the sovereign under a duty to use apostolically ordained clergymen in deciding doctrine" (Tuck 1993b: 124; see also Tuck 2016: 494–8, which reasserts his central thesis). But by the time he wrote *Leviathan* he had abandoned Anglicanism. "Hobbes now sought

³ Other fundamentally important works on Hobbes's religious ideas include Martinich (1992) and Wright (2006).

to show that the only interpreter of Scripture could be the civil sovereign, and that there was nothing special about a *church* at all" (Tuck 1989: 86). Johan Olsthoorn (2018: especially 14–21) argues for a similar thesis, and presents a lucid and compelling case in favor of the claim that Hobbes moved between *On the Citizen* and *Leviathan* from a model of church personation relying on the sovereign's legislative authority to one involving sovereign representation. In what follows, we will argue that although (as Olsthoorn 2018 demonstrates) there are important formal differences between the two books in the *structure* of the accounts they offer concerning church-state relations, the substance of their theories remained largely the same. In *On the Citizen*, Hobbes contended that clerics are empowered directly by God to perform certain functions – such as baptizing and administering the eucharist – whereas in *Leviathan* it is the sovereign's authority which licenses them to do these things. But in both cases the functions can be *exercised* only with the permission, and under the authority, of the sovereign. As Hobbes's contemporaries noted, his account of church-state relations did not change drastically between the two books.

***On the Citizen* on Church-State Relations**

Hobbes claimed that in order to escape from the horrors of the state of nature, people must agree together to set up a sovereign, who can be one person or an assembly. This can only "happen if each man subjects his *will* to the *will* of a single other [*alterius unius*], to the *will*, that is, of one *Man* [*Hominis*] or of one *Assembly* [*Concilium*]" (OC 5.6). He added that "This *submission* of all their *wills* to the *will* of one *man* or of one *Assembly* comes about, when each of them obligates himself, by an *Agreement* with each of the rest, not to resist the *will* of the *man* or *Assembly* to which he has submitted himself" (OC 5.7). The man or assembly to whose will individuals have subjected their own wills is said, Hobbes tells us, to have sovereign authority, which is the "*Right to give Commands* [*Ius imperandi*]" (OC 5.11). He proceeded to spell out the implication that the sovereign alone must have the right to make and enforce laws. Again, the power to judge, and the right to make war and peace, and to levy and command armies, must also be in the hands of the sovereign alone. The same applied to the right to appoint subordinate officials (OC 6.4–10).

Moreover – and this is a key point in connection with church-state relations – the sovereign alone is empowered to determine what doctrines or principles should be suppressed. Hobbes stated that "every man's actions are governed by his opinions" and declared that it follows "by

necessary and evident inference that certain opinions or doctrines not be put before the citizens," since they would militate against "the common peace." The destructive opinions in question included anything that "would encourage them to believe: that they cannot rightly obey the *laws* of the commonwealth" or that "it is licit to resist the sovereign." Another pernicious idea was that people could fare better by disobeying than by obeying their sovereign's commands. If the sovereign commands us to do one thing "under penalty of natural death," and someone else forbids it "under pain of eternal death," then "the commonwealth is radically undermined." "For no one can serve two masters, and the one to whom we believe that obedience is due, under fear of damnation, is no less a Master than the one to whom obedience is due through fear of temporal death, but rather more" (OC 6.11). It makes sense to obey someone who can punish our disobedience with eternal hellfire rather than a person whose powers extend only to chopping off our heads. It may well be, of course, that no one can in fact punish us by sending us to hell for ever. But if I think that someone (say, the pope, or my local pastor) can inflict such a punishment upon me, then it is rational for me to obey, even if doing so entails disobeying the sovereign and having my head severed (Olsthoorn 2014). The opinion that people other than the sovereign can inflict on citizens punishments greater than those that the sovereign can employ evidently undermines the sovereign's power, and therefore (in Hobbes's view) threatens the common peace. So sovereigns ought to ensure that such ideas are suppressed.

In the 1647 edition Hobbes added an Annotation to this section, which we briefly glanced at earlier, when we discussed his views on the pope and Catholicism (OC 6.11n). In it he argued that such claims to authority above the sovereign's had been made on behalf of the head of the church of Rome (presumably the pope), and bishops elsewhere ("alicubi") and, indeed, of the lowest individuals ("*cives infimi*"). If the pope, or a bishop, or we ourselves, have a right greater than that of the sovereign to command us concerning how we can get to heaven and avoid hell, then the authority of the sovereign is seriously undermined. Suppose, for example, that I am told by someone I consider an authority (and that could be myself or my conscience) that I should not pay taxes to the state, or that I should kill the king. Evidently, if people believe such things, the sovereign's power will be gravely diminished. Hobbes argued that the cause or accelerant of every war among Christians was disagreement on such matters. "What war ever broke out in the Christian world that did not spring from this root or was fed by it?" The solution to the problem, Hobbes contended, was to grant

the sovereign the authority to define which ideas should be suppressed. “I therefore assign to the civil power the judgement of doctrines as to whether they are in conflict with civil obedience or not, and if they are in conflict, the authority to prevent them being taught” (OC 6.11n). Of course, the sovereign might make a mistake and authorize a doctrine that was in fact false or prohibit the teaching of one that was true (for instance, various interpretations of the Lord’s Supper, such as transubstantiation). Henry Hammond, a major apologist for Anglicanism, expressed the hope that when Hobbes spoke of the erroneous claims made on behalf of bishops elsewhere (“alicubi”; that is to say, outside the church of Rome) he did not have in mind Anglicans (Parkin 2007: 64–5). But on Hobbes’s own principles there is no reason to suppose that he would have exempted Anglicans from his strictures. Anglican bishops insisted on the falsity of many doctrines (such as transubstantiation), regardless of what the sovereign said.

According to *On the Citizen*, it is the civil sovereign who decides what constitutes crimes such as theft, murder, and adultery. Of course, one of the Ten Commandments forbids adultery. Hobbes tells us that it is the sovereign who defines what constitutes adultery. He insisted that “what is to count as a *theft* on the part of a citizen or as *murder* or *adultery* or a *wrongful act* is to be determined by the *civil*, not the *natural*, *law*” (OC 6.16). Hobbes declared that “not every act of intercourse is *adultery*, but only what the *civil laws* forbid.” So, if the sovereign decreed that gay love, or intercourse (“concupitus” – going to bed with – is the word he uses) with a spouse’s sibling, or with a sheep or giraffe, is not adultery, then it is in fact not adultery (though it might be objectionable on some other grounds). Indeed, he argued that “*Thou shall not commit Adultery*, does not forbid all sleeping together outside of marriage, but only sleeping with *another man’s* woman; but who is *another man’s* woman, is for the commonwealth to say” (OC 17.10). Perhaps giraffes and your spouse’s unattached siblings are fair game. Whatever modern pastors might say, it is plain that in early modern times most clerics – including bishops and ministers of the Anglican church – did *not* admit that the secular authorities could determine or alter the rules on marriage in the manner that Hobbes suggests (Cocquius 1668: 151–61 attacks Hobbes in detail on this point).

In chapter 12 of *On the Citizen*, Hobbes surveyed the “internal causes which tend to dissolve a commonwealth.” Here he insisted that “the doctrine that *sovereign power can be divided* is absolutely fatal to commonwealths.” He noted that one suggested kind of division “is to grant

sovereign power to the civil authority on issues affecting peace and the good things of this life; and to concede issues involving salvation of souls to others." But to get saved we need to act justly. So the result of this kind of thinking, he said, was to make people "measure justice not, as they should, by the civil laws, but by the commands and teachings of people who are, in relation to the commonwealth, either private persons or foreigners" (OC 12.5). So, in his view, sovereignty cannot be shared between a king and priests, whether they are foreigners – like the pope – or natives such as the Archbishop of Canterbury.

Two key points underpinned Hobbes's account of the rights and role of the clergy, whether Anglican, Catholic, or other denominations. Firstly, Hobbes insisted (as he had already done in EL 26.9) that Christ's kingdom is not of this world (OC 17.5). Christ did not make new laws, or judge people, but taught and persuaded (OC 17.6). So the modern clergy likewise lack the power to command and can only give advice. As we have already seen, he held that sovereignty is indivisible, and vigorously rejected the idea that anyone is authorized to countermand the sovereign's orders. Secondly, Hobbes contended that the only requirements for salvation are that we believe Jesus is the messiah (or Christ) (OC 17.7; OC 18.6; EL 25.6), and that we obey God and the sovereign (OC 17.7; OC 18.2–36; EL 25.10–11).

Hobbes's doctrinal minimalism had important implications for his theory of church-state relations, and his account of the functions of the clergy. The purpose of clerics was to help us get to heaven, so their role was to teach people to be obedient to the laws of God and man, and to persuade them to believe the Christian message. By maintaining that there was only one necessary belief, Hobbes simplified the latter task for them. Again, Hobbes was well aware that although there might be (as he claimed there was) just one fundamental Christian belief, sovereigns commonly required that their subjects profess to believe in other (and, as he saw it, non-fundamental) principles. For example, in Catholic Europe transubstantiation was standardly recognized as the correct account of what happens in the sacrament of the Lord's Supper. And in Protestant Europe it was equally recognized as a false account. Hobbes noted that in a Christian commonwealth (or church) it might happen that the sovereign authorized some non-fundamental doctrine. If this occurred, he said in *On the Citizen*, we have no need to believe the dogma, but every reason not to criticize it. To oppose such a doctrine would be to disobey the sovereign, and commit "the sin of disobedience, and obedience is necessary to salvation" (OC 18.11). So, in a Protestant country, if the sovereign became

a Catholic and started to introduce Catholicism, citizens should simply shut up and be happy that the new regime was still Christian. And if a Catholic sovereign converted to Protestantism the same would be true and his subjects would have to grin and bear it. Hobbes's theory had the effect of rendering denominational differences among Christians inconsequential, and perhaps even silly. We might applaud his tolerant and ecumenical ideas about religion, but it is not hard to grasp why his contemporaries took a different approach. It is difficult to see how his views can be reconciled with the Anglicanism of his day. On Hobbes's principles, Charles I could have introduced transubstantiation, and the Latin mass, and no one would have been entitled to oppose him. When James II tried only to remove discriminatory laws against Catholics in the years after 1685, he encountered strong, though non-violent opposition from the Anglican clergy, and this was instrumental in bringing his reign to an end in 1688. Had they imbibed Hobbes's ideas, they would presumably have meekly accepted James's reforms. Perhaps civil war could have been avoided in seventeenth-century England – and Europe – if everyone had followed Hobbes in acknowledging the unimportance of most doctrinal disputes.

So far, we have seen that there were good reasons why clerics of many varieties would have been displeased at the views which Hobbes expressed in *On the Citizen*. He deprived them of all power to command, except as agents of the sovereign (like customs officers, or traffic police). However, as we saw, there is an important passage that might seem to point in a quite different direction. Hobbes informs us that in order "to decide questions of faith," which are "beyond human understanding" we need "God's blessing (so that we may not err, at least on essential questions)." The blessing in question, he said, "comes from CHRIST himself by *laying on of hands*." "For our eternal salvation," he proceeded, "we are obliged to accept a supernatural doctrine, which because it is supernatural, is impossible to understand." He added that in order that we would not be "left alone to err by ourselves on essential matters," Christ had promised "Infallibility (in matters essential to salvation) to the *Apostles* until the day of judgement, i.e. to the *Apostles* and to the *Pastors* who were to be consecrated by the *Apostles*, in succession by the *laying on of hands*." Hobbes concluded that "As a Christian, therefore, the holder of sovereign power in the commonwealth is obliged to interpret holy scripture, when it is a question about the *mysteries of faith*, by means of duly ordained *Ecclesiastics*" (OC 17.28). What are we to make of this passage, and can it be reconciled with the other things that Hobbes said about sovereigns and clerics?

Infallibility and the Sovereign's Obligation to Interpret Scripture by Means of Duly Ordained Ecclesiastics

As we saw, Richard Tuck (1989: 85) has contended that in *On the Citizen* Hobbes supported ideas that were “extremely close to orthodox Anglicanism.” However, Anglicans did not believe that their church was infallible, and Protestants in general regarded claims to infallibility as erroneous and as typical of Roman Catholics. Another difficulty with the idea that the clergy are infallible is that, in different countries, clerics have opted for different doctrines, for example on the Lord’s Supper. In Lutheran lands they endorsed consubstantiation, while Catholics supported transubstantiation, and Anglicans rejected both doctrines. Manifestly, it is impossible for the three different kinds of churchmen, however properly ordained they might be, all to be correct in the doctrine they advance on this point. At least two of the three groups of clergy must be wrong and so cannot be infallible. What, then, did Hobbes mean in assigning infallibility to clerics? It is important to note that he does *not* say that the clergy have infallibility on *all* doctrinal questions, but only on “matters essential to salvation” (OC 17.28). But he tells us (OC 17.7) that the only things that are essential to salvation are that we believe that Jesus is the messiah and that we obey God and the sovereign. So, clerics are infallible only insofar as they remind us of those two points. That is a somewhat attenuated concept of infallibility. We might also note that if properly licensed London taxi drivers inform us of the two matters essential to salvation, they too are infallible on that issue – or, at least, they are always right. And if clerics tell us that it is essential to salvation that (say) we resist the sovereign, or venerate the Virgin Mary, they will be wrong, and therefore plainly not infallible.

Hobbes said that the Christian sovereign is “obliged to interpret holy scripture, when it is a question about the *mysteries of faith*, by means of duly ordained *Ecclesiastics*” (OC 17.28). He leaves the nature of the obligation obscure. It is manifest that Hobbes thought that lay people were capable of reading and interpreting the bible without the aid of the clergy. He himself did exactly that in *On the Citizen*. Evidently, he held that people in authority were entitled to read his own interpretations of Scripture, and those of other lay writers, and to accept them if they found them convincing. He does not suggest that the sovereign has a duty to reject what he says in *On the Citizen* and instead to accept the interpretation of the bible put forward by any particular cleric, whether the pope, the moderator of the General Assembly of the Kirk of Scotland, or an Anglican bishop. If the sovereign had an obligation to endorse and obey

whatever the pope declared was necessary to salvation, then, as we saw, the pope would in fact be sovereign. So, the role of clerics is to offer counsel, not to command. In the theory presented by Hobbes in *On the Citizen*, Tuck (1989: 85) tells us, the clergy have “a kind of advisory position.” The sovereign might also choose to consult non-clerics such as Hobbes, if he pleased. Nor does Hobbes at any point suggest that *On the Citizen* should be vetted by clerics before lay folk are permitted to read it.

In *On the Citizen*, Hobbes gives sovereigns an obligation to consult “duly ordained Ecclesiastics” (OC 17.28) on the mysteries of faith. He observes that the clergy who have infallibility on matters necessary to salvation are the Apostles and their successors, who were pastors who had been consecrated or ordained in a sequence that went back to the Apostles themselves (OC 17.24, 17.28). Here Hobbes appeals to the idea of the Apostolic succession, which had support among Catholics and some Anglicans. Ordination took place in a ceremony in which a bishop laid hands on laymen and by doing so turned them into clerics, while consecration involved several bishops laying hands on a clergyman and thus transforming him into a bishop. So Hobbes contended that among those whom the sovereign should consult on the mysteries of faith were such clerics and bishops. Evidently, the English sovereign could not in practice consult all the clergy in the land, since there were over 9,000 of them in Hobbes’s time (plus a number of Catholic priests who were not recognized as clerics by the established Protestant church). Tuck argues that *On the Citizen* was an Anglican work and this might suggest that in it Hobbes proposed that the English sovereign should consult the bishops and lower clergy assembled in convocation, the representative body of the English church (with one branch at Canterbury and another at York). In fact, Hobbes makes no such proposal, and is exceedingly vague on how the sovereign is to fulfill his duty to consult the clergy. Tuck (1993b: 124) tells us that, before *Leviathan*, Hobbes advocated “an autonomous national church headed by the civil sovereign.” We might suppose that in *On the Citizen* he championed an English church staffed by English nationals who had received Anglican ordination. This lacks textual warrant. As far as the text of *On the Citizen* goes, Hobbes would have been fine with a system in which the sovereign governed the church and consulted only a small group of clerics selected by himself – say, the English bishops, but perhaps alternatively Jesuits who had been properly ordained as priests in the Apostolic succession. Indeed, there seems to be nothing in the book’s recommendations to prevent the sovereign from placing especial weight upon the counsel of Spanish Jesuits, or French Franciscans. Such folk

might well have advised the English sovereign to enforce outward adherence to the doctrine of transubstantiation, which would not have pleased Anglicans, but which the principles of *On the Citizen* apparently permit. As Atsuko Fukuoka (2018: 339) remarks, “sovereigns can order their subjects to profess to any articles of faith of any permutation of Christianity without having them risk their salvation.”

The idea that properly ordained pastors are those and only those who have had hands laid on them and so have been brought into the Apostolic succession was rejected by many Protestants and a number of Anglicans. Some Anglican churchmen had been ordained as ministers, but not by bishops, and therefore stood outside the Apostolic succession. An example is Adrian Saravia (rector of Tatenhill, and a canon of Canterbury cathedral under Elizabeth I and James I), who was one of the most important Anglican theorists on church government, and a close friend of Richard Hooker. Catholics in Hobbes’s time sometimes denied that the Anglican church was apostolic, claiming that Matthew Parker (Queen Elizabeth I’s first Archbishop of Canterbury) had been improperly ordained in a farcical ceremony held in a pub in Cheapside (the Nag’s Head Tavern). If that turned out to be correct (and Hobbes does not commit himself upon the issue), then, on the purported theory of *On the Citizen* the English sovereign would be *obliged* to consult *non-Anglican* clerics (for instance, Jesuits who had been ordained at Rome). The notion that when he wrote *On the Citizen* Hobbes was a good Anglican implies that he then wanted the English church to be governed by the bishops under the sovereign. In November 1641, he dedicated the book to his patron the Earl of Devonshire. Earlier the same year, Hobbes wrote to Devonshire approving a proposal to place the government of the English church largely in the hands of lay commissioners rather than the bishops, and attacking the greed and corruption of the clergy. Hobbes argued that struggles for power between church and state had recently been the foremost cause of civil war among Christians (C 120–1). As we saw, in *On the Citizen* he likewise blamed civil wars on the false claims to power of the pope, and of bishops elsewhere. The letter suggests that “elsewhere” was definitely intended to apply to England. Focusing on this passage (OC 6.11), Jeffrey Collins (2018: 232) reasonably contends that in *On the Citizen* Hobbes “explicitly linked the usurpation of sovereign authority to the behaviour of the episcopal Church of England.” This sounds very far from a warm endorsement orthodox Anglicanism and rule by the bishops.

Olsthoorn (2018: 19) tells us that Hobbes in *On the Citizen* adopted “the complex but coherent view that the sovereign alone has the authority

to issue binding religious decrees, despite being obliged, as a Christian, to rely on the clergy to interpret theological doctrine.”⁴ But it is apparent that Hobbes held that a sovereign might be well advised, and was fully empowered, to consult lay commissioners, and Hobbes himself, and the bible, on matters concerning religion. And it is evident that in early-modern times sovereigns had a wide choice of ordained clerics they could consult. If you chose a Jesuit you would predictably get very different advice than a Calvinist would be likely to offer you. Moreover, advice need not be taken. If the sovereign is obliged to consult some particular cleric not chosen by himself – say, the pope – and if he has a duty to follow that advice, then the cleric in question is in fact sovereign. To claim that the clergy have “a kind of advisory position” (Tuck 1989: 85) is not to impose any great restriction upon the sovereign – any more than to assert that sovereigns ought to rely on the traffic police for suggestions about parking in congested areas.

Olsthoorn (2018: 18) claims that in *On the Citizen* Hobbes argues that the sovereign’s duty to consult duly ordained clergy “is owed to God and incurred through baptism.” Manifestly, a duty incurred through baptism cannot arise from the law of nature or reason, which tell us nothing about the Christian religion. So it must stem from scripture. But Hobbes does not inform us where in the bible we may read about this duty. Nor does he make it clear just what actions count as fulfilling the obligation. Does the sovereign need to do anything more than read a book by a cleric? Or a page from a book? And how often? Does the rank or denomination of the cleric

⁴ Olsthoorn (2018: 18) states that “In *De Cive* bishops thus hold certain spiritual powers exclusively and independently of the sovereign.” Hobbes refers to “spiritual power” only once in *On the Citizen* (OC 18.14), when he suggests that it must be united with temporal power and be held by the sovereign. There seem to be no passages in *On the Citizen* that grant any sort of independent power to bishops, and (of course) there were a number of churches that had no bishops. As we saw, Hobbes approved of proposals for replacing the bishops with lay commissioners in England in the summer of 1641. It is unclear, on Olsthoorn’s interpretation of Hobbes, whether the commissioners would somehow acquire the powers of the bishops, and what the biblical case for this is. Olsthoorn (2018: 26) says that in *On the Citizen* Hobbes was “happy” to grant the clergy “independent doctrinal and spiritual powers.” This might seem to imply that in *On the Citizen* Hobbes contended that clerics could, if they pleased, teach transubstantiation, or, if they preferred, consubstantiation, without reference to the sovereign or the law. But there is no textual warrant for this. Olsthoorn tells us that in *Leviathan* (unlike *On the Citizen*) Hobbes claimed that clerics derived from the sovereign (and not from God directly) the spiritual power of baptizing. But in OC 17.7, Hobbes says that baptism is “a reminder and a sign” which might be omitted if necessary; people get saved through repentance and faith, not through baptism. A license to preside over an unnecessary ceremony can be meaningfully described as a power only in a rather attenuated sense. At OC 17.25–6 he spells out that it is the sovereign (on behalf of the church) who decides who should be baptized or excommunicated: “Pastors cannot refuse Baptism to anyone whom the *Church* thinks worthy of it” (OC 17.25). So baptizing is an attenuated non-independent power.

matter? Will a Dominican do just as well as Jesuits or Anglicans? The vagueness of Hobbes's treatment of these matters is odd, for he was capable of expressing himself with great precision. His imprecision suggests that he meant no more than that it makes sense for sovereigns to consult experts in deciding about matters concerning which they are not fully informed. So, he said a sovereign might be inexpert at geometry, but that the authority to teach it was derived from him, and insisted that the same held true for interpreters of the bible (OC 16.16). If a sovereign was planning to make laws, it would be sensible for him to consult experts, but it was up to the sovereign to sort out the details and to decide whether to endorse the advice through legislation. Perhaps, too, Hobbes hoped to mitigate clerical attacks on his ideas by being polite about the clergy.

In the final chapter of *On the Citizen*, Hobbes contended that "in a Christian commonwealth *obedience* is owed to sovereign rulers in all things, both *spiritual* and *temporal*" (OC 18.13). He insisted that the only belief required for salvation was that Jesus is the Christ. All other articles of the Christian religion, he said, "pertain only to obedience" (OC 18.14). Hobbes went on to observe that there are "many dogmas about today which are said . . . to be of *faith* in the sense that one cannot enter the Kingdom of Heaven without believing them." He rejected this claim and noted that a number of the suggested religious doctrines were in fact principles intended to advance the power and wealth of clerics. One such dogma concerned infallibility. For assertions of infallibility were concealed claims to power since "anyone in his right mind will obey absolutely in all things a person by whose judgement, he believes, he is to be saved or damned" (OC 18.14). Hobbes insisted that the clergy are subject to the sovereign and that it is the sovereign who is to decide on the demarcation between the spiritual and temporal spheres (OC 17.14). So how can properly ordained clergy in any sense be infallible? Clearly, their infallibility cannot conflict with the sovereign's powers. People have a duty to obey their sovereigns. When the sovereign transmits orders through deputies such as clerics we have an obligation to obey them. In *Questions Concerning Liberty, Necessity, and Chance*, Hobbes (writing against Bramhall, who attacked *On the Citizen* for its claims on infallibility) coherently argued that clerics are infallible in the sense that we cannot err in obeying them as long as they act on the sovereign's authority (EW 5: 259, 269). The same was presumably true of tax inspectors and traffic police.

In *Leviathan*, Hobbes notably granted the sovereign the right to baptize, administer the sacrament of the Lord's Supper, and perform other functions characteristic of clerics, even if he had not himself received ordination

(L 42.72: 856). In *The Elements of Law*, he had already said that if sovereigns pleased they might take upon themselves the ministerial priesthood, or become clerics (EL 26.11), though this perhaps meant no more than that rulers could have themselves ordained if they wanted (for discussion see Nauta 2002: 592; Sommerville 2007: 369–70; Olsthoorn 2018: 18). The claim that – even without ordination – sovereigns can act as priests was certainly striking, but arguably more impressive in appearance than in reality. Let us suppose that a sovereign of the pre-*Leviathan* variety wants some person to be given the sacrament of the Lord's Supper. He can find a cleric and order him to administer the sacrament to the person. A post-*Leviathan* sovereign can speed up the process by himself administering it. But sovereigns are busy people, so it will often make sense for even post-*Leviathan* sovereigns to order others to carry out priestly functions for them. Arguably, the practical (if not theoretical) implications of the change will be small – comparable, perhaps, to what would happen if sovereigns asserted a right to carry out the functions of traffic police, or tax inspectors, but in fact mostly left the relevant tasks to suitably qualified officials.

So the case for supposing that Hobbes was an orthodox Anglican when he wrote *On the Citizen* is open to objections. Perhaps some light can be cast upon the question by examining the history of the printing and reception of the book. Did Anglicans (or others) warmly embrace its theories?

The Printing and Reception of *On the Citizen*

The evidence of the printing and early reception of *On the Citizen* strongly suggests that from the first it was seen as a dangerous work which might bring trouble upon those concerned in its production. Typically, authors and printers like to advertise and sell their books. In the case of the original printing of Hobbes's work, the names of the writer and printer were concealed. We often read that *On the Citizen* was first published in Paris. We also read that it was privately printed.⁵ It was not published in the usual sense of the term. That is to say, it was circulated among some of Hobbes's learned friends, not made available to the public. It was printed in Paris in 1642, but lacked the standard official license authorizing

⁵ The two statements are conveniently combined in Howard Warrender's (1983: 5) introduction to the Latin *De Cive*: “The dedication is dated as from Paris, November 1, 1641. Publication followed in the next year (April 1642), finely produced in quarto, and privately printed.”

publication. The book – which is now very rare⁶ – appeared without the author’s name (though the dedicatory epistle to Devonshire was subscribed “T.H.”) and without the name of the printer.⁷ It also contained no information about how or where readers might procure copies. Hugo Grotius reported in April 1643 that he thought the book was not for sale (cited in Tuck 1998: xiii, n10).

On January 13, 1643, Thomas de Martel wrote to Samuel Sorbière informing him that there had appeared in Paris “not indeed among the common sort, but among the choicer spirits” a book *On the Citizen* “by an anonymous author.” He observed that “it contains many paradoxes about the state and Religion” and asserted that therefore it “is not available to everyone” (Martel [1643] 1983: 300; Tönnies 1889–90: 65–6). The implication is that the book’s unorthodox principles might lead to trouble for those associated with it. The first edition of *On the Citizen* was obviously not (and not intended to be) a commercial success and it had limited intellectual impact. Hobbes, with the aid of his friend Samuel Sorbière, negotiated a second edition produced in 1647 by the famous Elzevir publishing house in Amsterdam, in the tolerant Dutch republic. The first printing circulated among a few scholars, some of whom commented on it to Hobbes, who used their remarks to help him compose the long Annotations which were included when the book was published in the Netherlands.

The Elzevir *On the Citizen* was much reprinted and circulated widely. It again encountered criticism, especially for its religious views. In 1654 it was placed on the index of prohibited books by the Holy Office in Rome (Malcolm 2002: 470). The work was once more printed in France in 1660, in a French translation by Hobbes’s friend François Bonneau, sieur du Verdus, who dedicated it to Louis XIV (Hobbes 1660). Although du Verdus’s version had a contents list that included all eighteen chapters, the book itself omitted the last four – that is to say, the entire section on

⁶ A copy recently went on sale at Christie’s in Paris. The pre-sale estimate was €30,000–50,000, but it in fact sold for €68,750 on November 28, 2017. The sale catalog states that as far as its author (Chloé Beauvais) is aware, no other copy has ever been publicly sold: www.christies.com/lotfinder/Lot/hobbes-thomas-elementorum-philosophiae-sectio-tertia-de-6112862-details.aspx.

⁷ The Christie’s catalog at www.christies.com/lotfinder/Lot/hobbes-thomas-elementorum-philosophiae-sectio-tertia-de-6112862-details.aspx attributes the engravings in the 1642 printing to Jean Matheus, and the engraved title page has “Math. f.” (presumably for “Matheus fecit”) in the lower right-hand corner: DCv plate I (Math. f.). The claim that Matheus was not only the engraver, but also the printer of the book is made in Skinner (2008: 99; 2009: 127–8; 2018: 255–7). The editions by Warrender and by Tuck and Silverthorne are non-committal on who the printer was and do not mention Matheus, who is also seemingly absent from the writings of Noel Malcolm.

religion. In 1685 the Calvinist minister Élie Merlat published a *Treatise on the Absolute Power of Sovereigns*, which also drew on Hobbes's ideas, though the author distanced himself on theological grounds from the excessive opinions of the Englishman (Lacour-Gayet 1899: 205–6; Malcolm 2002: 504–6). The anonymous writer of *Moral and Political Essays*, published at Lyon in 1687, explicitly and extensively followed *On the Citizen* in political matters, but parted company with its author on religion (Lacour-Gayet 1899: 206; Malcolm 2002: 507–8). Lambert van Velthuysen, a Dutch thinker who was sympathetic to Cartesianism, published a defense of *On the Citizen* in Leiden in 1651. In it, he warned the reader that he was not going to deal with Hobbes's discussion of religion, which contained "blameworthy" material (Van Velthuysen [1651] 2013: 19). In a new edition of his book in 1680 he went further still and removed almost all references to Hobbes (Van Velthuysen [1651] 2013: 40–1, 65).

On the Citizen's heterodox religious principles militated against its wide circulation in France in 1642. That is what de Martel contended in the following year. Also in 1643, Descartes reported to a correspondent that in the book Hobbes wrote "with such vehemence against the Church and the Roman Catholic religion that I do not see how he can prevent his book from being censured, unless he is given special support from some very powerful quarter" (Descartes 1991: 231). The absence of the whole section on Religion from du Verdus's translation suggests that he too diagnosed problems with the book's teachings on that subject. Other evidence points in the same direction. The early reception of the work, says Jon Parkin, suggests that it "ran into a hail of criticism as soon as it appeared." Its first readers "recognised that the book offered strikingly new and deliberately provocative ideas with some exceedingly controversial statements about religion" (Parkin 2007: 36; a different but less fully documented account of its reception is in Martinich 1999: 236, 246). One of the very earliest commentators on *On the Citizen* was Baptiste Masoyer-Deshommeaux. In September 1642 – just months after the book was printed – he wrote to Marin Mersenne (the learned friend of Hobbes who had largely organized its printing and circulation) declaring that it deserved to be burned, and affirming that it was "a rhapsody of heresies." He noted with especial venom that Hobbes "wants to unite sovereign priesthood with princely power, with the result that there will be as many heads of religion as there are princes" (Mersenne 1933–88: vol. 11: 264–5; quoted in Malcolm 2002: 473n; Parkin 2007: 35). The exiled Anglican bishop John Bramhall developed similar concerns (Parkin 2007: 42–3). Indeed, a number of early Anglicans found the work highly problematical (Parkin 2007: 32–71).

Hobbes himself said, in the Preface to the Readers of the second edition, that the earlier printing had been “very sharply criticized: on the ground that I have immoderately advanced the civil power” (OC Pref. 23). He added that the critics in question were clerics, intimating that they had self-interested and not well-grounded reasons for opposing his ideas. He did not bow to their wishes, or rely on their interpretation of religious truth, though some had certainly received due ordination.

On the Citizen did not win the enthusiastic support of Anglicans, or Gallicans, or any other religious group. Hobbes spoke circumspectly about the pope, and respectfully about ordained clerics, but was still criticized for giving too much power to the civil authorities. Anglicans and Gallicans claimed that the clergy had the authority to interpret the bible. Hobbes granted that authority to the sovereign. In the Netherlands, the Calvinist minister Gisbertus Cock, or Cocquius (1630–1708), launched powerful assaults upon Hobbes’s ideas in two lengthy books (Cocquius 1668; 1680). He argued that Hobbes gave far too much power over religious matters to the sovereign in both *On the Citizen* and *Leviathan*. The chief difference between the two works, he contended, was not that the first preached godly orthodoxy while the second espoused heresy, but that errors which lay hidden in the former were openly expressed in the latter (Cocquius 1668: sig. +2a). In England likewise, *Leviathan* was commonly seen as restating arguments already expressed in *On the Citizen* and in the second part of *The Elements of Law* (published as *De Corpore Politico*). “Most of Hobbes’s critics and commentators who refer to” *On the Citizen*, “*De Corpore Politico* and *Leviathan* saw them as interchangeable versions of the same basic arguments” (Parkin 2007: 96–7). The history of the printing and reception of Hobbes’s works supports the view that the texts themselves suggest, namely that the theories they expressed remained largely the same, though they were more trenchantly voiced in *Leviathan*.

CHAPTER 12

Sovereign-Making and Biblical Covenants in On the Citizen

*A. P. Martinich**

In *On the Citizen*, Thomas Hobbes describes two kinds of covenants. The first are covenants among human beings, most importantly sovereign-making covenants, which create human sovereigns. The second kind are the major biblical covenants, which have God as a party. Although Hobbes could have given a unified account of both kinds, his account of biblical accounts is truer to the biblical conception of covenants than to his account of non-religious ones. I will suggest that, in *On the Citizen*, Hobbes wanted to make his theory of sovereign-making covenants as palatable to his readers as possible. The biblical associations of the idea of a covenant served his purposes. However, in sovereign-making covenants, the prospective sovereign is not a party to the covenant,¹ while God is a party to the prominent biblical covenants. My guess is that Hobbes wanted his own description of the biblical covenants to be as true to them as possible for fear of generating controversy when England already had more than enough of it. So he was content to give a relatively straightforward description of the biblical stories and to restrict novelty to the secular covenants. A major unifying element of both kinds of covenants is faith.

Sovereign-Making Covenants

Covenants are indispensable to Hobbes's political philosophy. Without a covenant, there is no sovereign; without a sovereign there is no commonwealth; without a commonwealth, people are in a state of nature; and in

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¹ According to the standard interpretation, a conquering sovereign is a party to the covenant with the vanquished. There is evidence for this view. However, I think a simpler and better interpretation is that a conquering sovereign represents its subjects in a covenant with the defeated persons. The sovereign itself is an actor on behalf of its subjects (cf. DCv 7.17, 8.1, 8.14; and L 20.1: 306).

the state of nature human life is miserable. The fact that keeping one's covenants is among the first three laws of nature in each of his major political works signals their importance. Covenants would be dispensable if people could get out of the state of nature in a different way, say, by having everyone making peace. That is the instruction of the first law: "seek peace where it can be found" (DCv 2.2, "*quaerendam esse pacem ubi haberi potest*").² This law is as helpful as the stock advisor's recommendation: Buy low, and sell high. How does one do this? The next law, derived from the first,³ is only slightly more helpful. It instructs a person not to retain their right to all things but to transfer or lay down some of them (DCv 2.3; cf. L 14.5: 200). This law leaves open whether rights should be renounced or transferred; and if the latter, to whom. Hobbes argues later that simple renunciation will not produce peace; and only one kind of transfer, each person transferring to the same one person, brings it (DCv 5.6; cf. DCv 2.4). Even if the second law were more specific, it would not suffice for the purposes of people in the state of nature. Laying down one's rights does not guarantee that a person would receive any rights or protection to compensate for the loss. In other words, the second law of nature is compatible with making a gift of one's rights without any assurance that one would receive something of sufficient value in return (DCv 2.8). Suppose each person transferred his rights to the same one person. There would still be no guarantee that the person who accumulates these rights would have the job of protecting each person (cf. the third or fourth law of nature in DCv 3.8 and L 15.16: 230).⁴ What is lacking is "some right reciprocally transferred to himself," as Hobbes says, according to which each person is acting on the condition that all the others are acting to establish someone to protect them (L 14.8: 202). It is what S. A. Lloyd (2009) has called "reciprocity."

Reciprocity is an essential element of covenants (L 14.9–11: 204). As important as laying down rights is to covenants, it does not specify the

² Translations from the Latin text are my own.

³ Hobbes's numbering of the initial several laws in *On the Citizen* may be confusing. After the "first and fundamental law," he discusses a derived law. But it is not given a number. The second law of nature, keep your covenants, is also the second derived law. The third derived law occurring in the chapter – "do not let someone who treated you well, regret doing so" – is the third law; and so on. See the Contents to DCv, chapter 3.

⁴ I think that Hobbes did not consider an odd consequence of his view. Either the person who receives the rights is a natural or an artificial person. In either case (a) he lays down his right or (b) he does not. If (a), his ability to function as the protector of rights is diminished. If (b), then he seems to violate the second law of nature. Therefore, whether the person receiving the rights is natural or artificial, either his ability to distribute rights is diminished or he violates the second law.

content that is crucial to getting out of the state of nature. Simply requiring that everyone aim at the same goal is not sufficient. What is needed is a deduction from one or more of the first several laws to the conclusion that everyone subjects “his own *will*, to that of another *one*” for the purpose of protecting the covenanters (DCv 5.6; see also L 17.13: 260).⁵ The “therefore” (“igitur”) that appears early in section six may be disconcerting. What were the premises? The answer is that Hobbes had shown that each “will” of social animals is attuned to acting cooperatively. In contrast, unification of all human wills into one will requires a special act to create a unity. The unification occurs when each person subjects his will to that of either one person or one council (DCv 5.6). In *Leviathan*, Hobbes will say that reason “suggest[s] Articles of Peace.” But a suggestion is not a demonstration; and I do not see a demonstration of the articles of peace there. Earlier he had written that the wherewithal to get out of the state of nature is “Feare of Death; Desire of such things as are necessary to commodious living; and a Hope by their Industry to obtain” them, and “Reason” (L 13.14: 196; cf. Lloyd 2010: 185–6). Fear, desire, hope, and reason are plausible conditions for using one’s imagination creatively to arrive at plausible terms of peace.

The next matter to consider is whether the person to whom rights are transferred is a covenanting party or not. Hobbes’s negative answer is to some extent a reaction to a view held by many of Charles I’s enemies. According to them, the sovereign was a party to a “contract” with the people of England. Even some of Charles’s supporters during the civil war thought that he had a contract with the people (Hyde 1676: 49). The Royalists of absolutism, Hobbes among them, denied that the monarch could be a party to the covenant because English law held that the king could do no wrong; and if the king could be a party to the covenant, then he could do wrong.⁶ Subjects, being human, would judge his actions and possibly conclude that he had done something wrong; and that would destabilize the civil state. Hobbes supplied other arguments. One is that a sovereign cannot make a covenant with “the whole multitude, as one party

⁵ In the language of *Leviathan*, each party transfers their right to govern themselves to someone “to the end he may use the strength and means of them all, as he shall think expedient, for their Peace and Common Defence” (L 17.13: 262).

⁶ Laurens van Apeldoorn (2019) presents strong evidence that Hobbes conflated the natural person with the artificial person that the sovereign is in order to criticize the view parliament had taken to justify killing Charles Stuart. (I restrict discussion here to a monarch.) I think Hobbes need not have done this. He could have argued that to kill the natural person who is sovereign is in effect to destroy the sovereign by killing the person by which the sovereign acts.

to the Covenant” because the multitude does not exist as a unity before they covenant (L 18.4: 266). He does not argue conversely that the sovereign cannot be a covenanting party in the sovereign-making covenant because during the process of covenanting, the sovereign does not yet exist (Hyde 1676: 49–51). Perhaps, he omits this argument because he does not want to highlight the fact that the sovereign is a creature of the people covenanting.

The unity of the sovereign raises a question. Are the natural persons who hold the office of the monarch and the artificial person of the monarch identical? They cannot be. The human being who is the “matter” of the sovereign exists before the sovereign is created and may die while the monarch lives on. Part of English law was that the king never dies. Hobbes does not always make clear whether he is talking about the natural person who is the sovereign or the artificial person of the sovereign (e.g., DCv 5.6; cf. L 28.25: 496). When he says that each covenanter gives up the right to govern himself and he gives up the right “*to this man or assembly of men*,” one may wonder about the precise reference of “*this man*.” If “*this man*” is a natural person, the wrong person is getting the rights; they should be going to the artificial person. Similarly, if the “*assembly*” is a non-unified cluster of natural human beings, the wrong persons are receiving the rights. However, if “*this man*” refers to the relevant artificial person, then the correct person is receiving the rights; similarly for the phrase “*assembly of men*” mutatis mutandis.⁷

Pactum Vetus and Pactum Novum

Knowing that Hobbes has an extensive discussion of covenants in the Bible, one might wonder, and even expect, the theoretical account of those

⁷ This understanding of his text may make one wonder how an artificial person is created before the covenanting has concluded (L 18.1: 264; see for example, DCv 5.6–7 and L 17.13: 262). The wonderment should be general for the apparent difficulty in creating artificial or institutional entities. For example, the Olympic Games open when the chair of the Olympic Committee says, “I declare the Olympic Games open.” But how could he refer to the Olympic Games when they do not exist until the chair finishes saying “open”? Berengar of Tours (c. 999–1088) denied that the words of consecration, “This is my body,” create the body of Christ. When the priest says “This,” he must be referring to the bread; and when he says “my body,” he must be referring to the bread again in order to be saying something true. The words “my body” cannot literally refer to the body of Christ because even on the account of those who believe in transubstantiation, his body is not present until after the priest finishes the words of consecration. He was condemned for this nifty reasoning. Divines of the Church of England sometimes used it against the Roman Catholic doctrine (Adams 1619: 65).

covenants to be very close if not the same as his treatment of covenants in chapters 16 and 17. In addition to the unity suggested by the word “covenant” being applied to each, since nothing is universal but a word according to Hobbes, he would have a more general theory if he treated them similarly. To express this virtue from a different perspective, his theory would have been in better standing with metaphysics, which urges, “Do not multiply entities without necessity.”

There was a practical advantage to be gained by a unitary account. Both the Presbyterians and the Independents challenged the king’s claim to be supreme in religious matters, even though the Act of Supremacy of 1534, renewed in 1559, said that he was. That he was the head of the secular government was too obvious to be said. Church and state intertwined in several ways. Bishops were members of the House of Lords because they were literally lords, owners of extensive wealth-producing land. Bishops also had often held secular posts, such as Chancellor. The monarch was crowned in Church, with the Archbishop of Canterbury typically presiding. Major events of ordinary human life, such as birth, entrance to adulthood, and marriage occurred within a church. If Hobbes had shown that the covenant underlying the structure of English government was just like the covenant underlying covenants in the Old Testament, he would have undercut a major claim of the king’s religious opponents, namely, that the ecclesial structure and liturgy of the Church were not dimensions of the English monarch’s authority. In fact, like the monarch of England, Abraham, Moses (as God’s representative), King David, and King Solomon were the head of both the religious and non-religious dimension of life. Cracks in that scheme were visible in the late sixteenth century; and Hobbes tried to repair that damage with his theory. Although absolute sovereignty would continue to flourish in some countries in Europe for more than a century, the future of English rule was already moving away from Hobbes’s commitment to it. His theory was designed to preserve the past, not to create the future.

Neither the common law nor the civil law dictated the use of “covenant,” to my knowledge, to express the authority of the monarch over the people (cf. Cowell 1607: sig. T3^r). The primary inspiration for it must have been the Bible. Hobbes explains that the two main parts of the Bible should be rendered in Latin as “Pactum Vetus” (“Old Covenant”) and “Pactum Novum” (“New Covenant”), respectively, rather than the Vulgate’s “testamentum.” Notwithstanding the advantages for Hobbes to give a unitary account of sovereign-making and biblical covenants, we shall see in this section that he does not.

Hobbes says that from “the beginning of the world God reigned indeed . . . *by way of covenant* [“per pactum”],⁸ over Adam and Eve” (DCv 16.2). The story of the first human beings in Genesis does not say anything about a covenant involving them and God. My guess is that Hobbes says this because of the influence of covenant theology, according to which God made two covenants with human beings, a covenant of works with Adam and a covenant of faith with all humankind.

Hobbes does not elaborate on the covenant of works because human beings are “all guilty of disobedience to Gods Law.” Consequently, “now, not onely *Obedience* for the rest of our time, but also a *Remission* of sins for the time past [is required]; which Remission is the reward of our Faith in Christ” (L 43.3: 930). As it applies to postlapsarian human beings, “The Obedience required at our hands by God, that accepteth in all our actions the Will for the Deed, is a serious Endeavour to Obey him” (L 43.4: 930). One might think that Hobbes’s use of “the Will for the Deed” is evidence that he was not an English Calvinist on the ground that an act of will or endeavor is a deed; and a deed is a work (Cromartie 2018: 96). The problem with this interpretation is that English Calvinist divines of the early- and mid-seventeenth century often used the phrase “the will for the deed,” sometimes citing 2 Corinthians 8:12 to support their view. They could use the phrase in good faith because the phrase means deeming a will to be a work, where deeming presupposes that the will is not a work. Although Hobbes uses “endeavor” as a technical term, his meaning is close to one of its ordinary meanings, and various Calvinist theologians said that God requires only an “endeavor” to obey God (e.g., Attersoll 1618: 736: “God accepteth the will for the deed, and the endeavour to obey for perfect obedience”).

Although covenant theologians held that God was a party to the covenant made with Adam and Eve, Hobbes does not assert that. Rather, he says that “In the beginning of the world God reigned . . . *by way of*

⁸ Charles Cotton translated “pactum” as “contract” in the chapter on sovereignty by institution (DCv 7.5–7). In chapters 16 and 17, he changed his practice and often translated “pactum” as “covenant”; for example, he translated, “*Pactum . . . inter Deum & Abrahamum*”) as “*Covenant . . . between God and the Israelites*.” Occasionally Cotton translates “foedium” as covenant, even when it occurs close to “pactum.” And Cotton can hardly be faulted because Hobbes sometimes uses “foedium,” not to mention “testamentum,” to mean covenant (DCv 16.3; cf. DCv 16.1 and 16.4). Tuck and Silverthorne regularly translate both “pactum” and “foedium” as “agreement,” including the titles of chapters 16 and 17, “The Kingdom of God by the Old Agreement [*pactum*]” and “The Kingdom of God by the New Agreement [*pactum*].” Malcolm sometimes translates “pactum” as “pact.” See his editorial note 34 to L 14.11: 204. Hobbes sometimes uses “pact” in *Leviathan*, where he could have used “covenant.”

covenant, over Adam and Eve" (DCv 16.2). The interpretation that God was a party to this covenant comes by implication. Hobbes went on to say that God "wished no obedience to be given to him, beyond that which natural reason dictated, except *through a covenant [per pactum]*" (DCv 16.2). He is alluding to the command that Adam and Eve are not to eat of the tree of the knowledge of good and evil. God's authority to issue this command was a consequence of the covenant and not presumably from his omnipotence. Hobbes does not raise the issue of whether the covenant was a sovereign-making one.

Rather than demand good works of fallen human beings, as was demanded of Adam and Eve, God demanded only faith from their descendants. The penalty for disobeying God's commands would be remitted if they had faith because faith counts as repentance (DCv 17.7). What kind of faith? "[F]aith in Christ" (L 43.3: 930).

In any case, the supposed covenant of works was soon voided "and never after renewed," as suggested above (DCv 16.2: "neque unquam post renovatum"). Hobbes then considers the first covenant that was significant for the character of the "old covenant," the one that involved Abraham.⁹ It was not a sovereign-making covenant because Abraham was already a sovereign, under the rubric of tribal chief (DCv 16.6). As sovereign, Abraham had authority over "sacred as [much as] secular" matters. Hobbes goes on to say that the same covenant with Abraham was "renewed" with Isaac and Jacob. In other words, "by the form of the covenant itself," Abraham promised that his descendants would worship God, as much as he would (DCv 16.6). They would know how to worship God because Abraham was "the interpreter of all the *laws and words of God*" (DCv 16.7). Since God was a sovereign by nature over Abraham and all other people, Abraham's covenant did not acknowledge God simply as a god, "but *that God appearing to him [Abraham]*; just as the ritual worship, which Abraham owed to God" was the ritual worship "of *religion and faith*, . . . [that] God had *supernaturally* revealed" (DCv 16.4).¹⁰

Hobbes's description of the covenant with Moses is similar to the one with Abraham. He says that Moses had the right of interpretation entirely in himself. He supports his view by considering the absurdity of the alternatives:

⁹ God's covenant with Noah is not significant to the main theme of the old covenant, namely, the status of Israel as God's special people. An easy way to understand why is to consider that Noah was not a Hebrew or Israelite (cf. Bullinger 1624: 28–9).

¹⁰ The Latin reads: "sed *Deum illi apparentem, quemadmodum cultus quem Abrahamus debebat Deo, . . . quem Deum supernaturaliter revelaverat.*"

For if he [Moses] had not been the *interpreter of the laws and word*, that office must have belonged either to *each private person*, or to a congregation or *synagogue* of many, or to the *high Priest* or to other *Prophets*. First, that that office belonged not to private men, or any assembly composed of them, stands from this, [namely] that they were not admitted, indeed, they were prohibited with most heavy threats, *to hear God speak*, otherwise than through Moses. For it is written, *Let not the priests and the people cross the lines, to go up unto the Lord, lest he [God] kill them. So Moses went down to the people, and told them everything.* (Exod. 19:24–25; DCv 16.13)

The quotation from Exodus is rather bloodless compared to other stories that Hobbes alludes to or briefly describes in order to illustrate his view that Moses is the sole legitimate interpreter of Israelite religion. The story of the rebellion of Corah, Dathan, and Abiram, who led two hundred and fifty other Israelites to rebel against Moses, is more vivid. While Hobbes quotes two verses from the story of their deaths (DCv 16.13), a longer quotation is appropriate for contemporary readers:

And it came to pass, as he had made an end of speaking all these words, that the ground clave asunder that was under them: And the earth opened her mouth, and swallowed them up, and their houses, and all the men that appertained unto Korah, and all their goods. They, and all that appertained to them, went down alive into the pit, and the earth closed upon them: and they perished from among the congregation. And all Israel that were round about them fled at the cry of them: for they said, “Lest the earth swallow us up also.” And there came out a fire from the LORD, and consumed the two hundred and fifty men that offered incense. (Authorized Version, Numbers 16:30–35)

Given the religious challenges by puritans and Presbyterians to Charles's authority to dictate the proper form of worship in the late 1630s and early 1640s, Hobbes must have had that controversy in mind when he wrote the words above. However, he also meant quite generally that no one should presume to interpret religion unless he is the sovereign. After the story of Corah and the others, Hobbes describes the subsequent official interpreters of the Israelite religion, such as Eleazar, the sovereign and high-priest (DCv 16.14–15). His summary statement is “Therefore, supreme civil power was owed *by right*, from the institution of God, to the High priest.” (DCv 16.15: “*Potestas itaque civilis summa debebatur iure, ex institutione Dei, Sarcedoti summa*”)

To return to Abraham, the covenant between God and Abraham was one between two sovereigns.¹¹ The biblical account of the Mosaic

¹¹ One may wonder how God could lay down any rights as required in a Hobbesian covenant in light of his natural sovereignty. He could have concocted a mainstream answer: “Since God is infinite, laying down a right does not diminish his infinite power.”

covenant is a different and more difficult case. The Hebrew slaves who fled Egypt and were wandering were approaching death's door. Although they were following Moses, they had not covenanted to make him their sovereign. They were a "stateless" group. Afraid and desperate, they implored Moses to ascend Mt. Sinai as their representative.¹² They needed a representative because they thought they would die if they were in the presence of God and because the only way to make a covenant with God is through the mediation of a person in whom people have faith, Moses was needed (see also Chapter 10). When Moses came down from Mt. Sinai, the sovereignty-making covenant had been completed. Hobbes does not say here whether God was a covenanting party. Whatever happened, God became the sovereign of the Israelites in extraordinary circumstances and Moses His representative.

That God became the special sovereign of the Israelites under Moses should have been an attractive feature for Hobbes's purpose. He could have explained the central covenant in the Old Covenant as consonant with his view about secular sovereign-making covenants. He could have written that God became the sovereign by accepting as gifts the rights to govern themselves offered by the covenanting former slaves (cf. DCv 2.5, 2.12; EL 15.11). As the special sovereign of the Israelites, God commanded the Israelites to obey the Ten Commandments (cf. Mendenhall 1954: 62), or more broadly, the dietary, purity, and ritual laws in Deuteronomy and elsewhere.¹³ The divine and secular sovereign-making covenants each involved saving people from death. God in the Old Covenant saved the Israelites from death in the desert from thirst and hunger. In the New Covenant, he saved all human beings or gave them the means to be saved from the punishment of sin through the work of Jesus. Similarly, the civil sovereign, the lord of his subjects, saves them from the dangers of the state of nature. However, Hobbes does not interpret the covenant mediated by Moses in that way. He follows the standard view that God was a party to the covenant, despite denying a contractual part to the civil sovereign. It is not clear why he did not try to give a unified account of sovereign-making covenants. Although Hobbes had not yet expressed his theory of persons and authorization in *On the Citizen*, the ordinary

¹² Luca Ribarević suggested at a conference in Amsterdam that the Israelite covenant is one by acquisition, not by institution; and God is undoubtedly an object of fear. However, the Israelites were in immediate fear of starvation and dehydration. Hobbes does not indicate which kind of covenant it was.

¹³ Abraham, David, and Solomon were absolute sovereigns too; but not in virtue of a covenant involving God.

concepts of authorization and representation would have been sufficient for this explanation to be acceptable. Perhaps he did not want to introduce a new interpretation of an important element of Judeo-Christian religion in the already revolutionary years of the early 1640s. Perhaps he thought that the language of the Bible committed him to the standard position that God was a covenanting party (e.g., Ainsworth 1620: 93). Perhaps, he simply did not think about it.

In addition to the salience of covenants in books of the Old Covenant and the New Covenant and the popularity of covenant theology, Hobbes may have chosen the word “covenant” because of its use in the National Covenant (1638) by Presbyterian Scots as a pretext for resisting the religious policies of Charles I. The covenant purports to be between Scots, God, and the King. Hobbes had even more reason to be outraged by purported covenants with God without the king’s approval or participation because the English Parliamentarians had created the Solemn League and Covenant (1643), in order to win the assistance of Scottish Protestants to fight the King:

this pretence of Covenant with God, is so evident a lye, even in the pretenders own consciences, that it is not onely an act of an unjust, but also of a vile, and unmanly disposition. (L 18.3: 266)

Hobbes was arguably right to condemn those who entered into new covenants. Those covenants were illicit because they were “repugnant” to a “former Covenant” by which they were obliged to the King (L 18.3: 264).

Edwin Curley is not so sure: “Clarendon is right to complain” that Hobbes’s statement about the possibility of humans having covenants with God is “destructive of our religion and against the express sense of Scripture” (Curley 2004: 200; cf. 201 and 206; the quotation is from Hyde 1676: 50). But Clarendon was wrong or seriously misleading when he wrote that Hobbes held that “no covenant can be made with God” (Hyde 1676: 50). What Hobbes said was that “there is no Covenant with God, but by mediation of some body that representeth Gods Person” and that the only one who can do this is “Gods Lieutenant, who hath Sovereignty under God” (L 18.3: 266).¹⁴ Curley says that Hobbes’s claim in *Leviathan* that mediators are necessary in order for people to “know” whether a covenant should be accepted or not “is rather puzzling” (Curley

¹⁴ The Latin *Leviathan* has: “Pactum enim cum Deo iniri non potest, nisi mediante aliquot, qui Deum representat; id quod solus facit is, qui Summum sub Deo habet Potestatem” (LL 18.3: 267).

2004: 20, about L 14.23: 210). Certainly, Hobbes should not have used the word “know” because of his strong conditions on knowledge. He should have used “appropriately believe” or something similar. However, my guess is that even if Hobbes’s comment had been weaker, Curley’s puzzlement would persist. He would still hold that Hobbes’s statement that divine-human covenants need a mediator “doesn’t square with those biblical texts which support the need for a mediator; they suggest that (ordinary) humans cannot be in the presence of God and survive the experience” (Curley 2004: 203).

Two related points may be made in reply. One is that Curley’s word “ordinary” in parentheses points to the solution. Moses was not ordinary; and he was not ordinary because God chose him, just as the Israelites were not ordinary after God had chosen them. The other point is that Curley does not cite all of the relevant texts. While ordinary people would die in the presence of God, as Exodus 20:19 indicates (cf. Deut. 5:22), the Bible allows for an exception, Moses. The exception is necessary because a covenant with God requires the presence of a witness to God’s acceptance. So God immunized Moses against the death that otherwise would have struck him down. Hobbes sensibly says that human beings do not understand how God could have spoken to Moses. But Christians, Jews, and Muslims believe it.

The problem of the biblical mediator is analogous to the problem of interaction between mind and matter in Cartesian philosophy. They are too unlike in nature and causal power to interact. Descartes’ pineal gland is the Moses of interaction. Since a gland is a body, it cannot reduce the gap between mind and body. More pertinently, Descartes chose a body part to mediate between mind and body rather than something mental, because humans could never be sure of the existence of another person’s mental thing. No one believes that the pineal gland solves the problem, except Cartesians. One has to have faith in Descartes. Similarly, Moses could be the mediator of the covenant with the Hebrews because they had faith in him.

Curley makes an additional point about Hobbes’s treatment of the Old Covenant that requires a separate answer. In *Leviathan*, Hobbes says that “it is impossible for any man to make a covenant with God Almighty, farther than it hath pleased him to declare who shall receive and accept of the same covenant in his name” (Curley 2004: 204, quoting EL 15.11). Hobbes’s text suggests that the aspiring covenanter with God would *know* who receives and accepts it for God. In his more reflective moments, Hobbes knew that no one could know that God had revealed himself.

He sees it as a matter of belief and faith that “people should not believe *God’s word*, before they believe his prophet. The people of Israel believed Moses because of two things; his *miracles* and his *faith* . . . Similarly . . . there is *faith in the God of Abraham* . . . If faith is absent, he is rejected . . .” (DCv 16.11)¹⁵ In *On the Citizen*, Hobbes says that Abraham’s acceptance of God’s revelation was a “matter of faith” (DCv 16.4). About Abraham’s subjects, neither faith nor knowledge was relevant. His subjects owed him obedience because he was their sovereign: “*the word of God* was to be fetched from his lips only, as being the interpreter of all the *laws* and *words* of God” (DCv 16.7; also 16.9; and Chapter 10). He would say the same thing about Moses and the Israelites after they made a covenant with God: “But it is manifest that this power [of interpreting the word of God] had been completely in Moses when he was alive” (DCv 11.13). Hobbes considers the alternative to his interpretation that Moses had that power or authority. It could not be a private person because such a person was “prohibited with most heavy threats from claiming to have heard God speak otherwise than through the testimony of Moses. (DCv 16.13; see Exod. 19:24–25)

Now Curley and other philosophers could still maintain that Hobbes’s treatment of mediators is philosophically unacceptable: “If *we* cannot know, without a mediator, whether our covenant has been accepted, how can *the mediator* know?” And that may be true.¹⁶ My point is that the root of the problem lies in the Bible. Hobbes is doing his best to defend a difficult position. Why would he do that? One answer is a rhetorical question. Why do theistic philosophers in the analytic tradition continue to defend what appears to most contemporary philosophers as an indefensible position? Another answer, namely, that Hobbes, the philosopher of paradox (Parkin 2016) intended the intelligent, careful reader to see that he was undermining the Christian position, is unpersuasive to me because of the absence of strong signs of duplicity in his defense. And his defense is more formidable than any other seventeenth-century defense I know of. To evaluate Hobbes’s performance, one needs to compare it with other performances of the time. An athlete who pole-vaulted four meters in 1920 was a champion; one who did this in 2000 was mediocre.

¹⁵ The Latin text is: “*Mosi a populo Israelitico creditum est propter duas res, miracula, & fidem.*”

¹⁶ Curley has pointed out several problems with Hobbes’s treatment of biblical covenants. But I think Hobbes was in an impossible situation because the text of the Bible is false, contradictory, or unintelligible. See Curley’s comments about Robert Filmer (Curley 2004: 212 n.21 and 213–14).

The New Covenant

Hobbes treats the new covenant in chapter 17. According to standard Christian theology, the new covenant involves God, Jesus Christ, and all human beings. While the word “new” in “new covenant” would seem to commit Hobbes to describing a covenant that is, well, new, and thus a covenant distinct from the covenant or covenants with Abraham, Moses, and others, Hobbes tries to avoid making such a claim. Early in chapter 17, he writes that Jesus had been sent “to renew a new covenant between them and God” (DCv 17.3).¹⁷ It is odd that he does not explain how one renews a new covenant. (Had he been a used car salesman, he might have sold a customer a new used car.) It is not obvious that the idea of a renewed, new covenant has any pay-off for him. Perhaps he thought that if the new covenant were simply a renewal, then he would not have to explain the role of God in a new way. Not odd, but problematic is figuring out the referents of “them” (“ipsos”). In its context, the plausible candidates are the people mentioned earlier. But this includes apostles, disciples, Pharisees, and unspecified people who hated Jesus. The role of Jesus was to renew the covenant with *them*. A group that is not mentioned at all is all human beings. The problem of finding a suitable reference for “them” continues at the beginning of the next section. Hobbes says the covenant [*foedus*] was between Christ and “the people” (“populum”). The people are the *them*, who are still unidentified. Hobbes ends this section with an unconvincing clause: “all Christians agree” (DCv 17.3).

Hobbes devotes a large part of chapter 17 to explaining the way that Christ’s role on earth was similar to that of Moses. Jesus was a vice-roy [*Pro-regium*], just as Moses was (DCv 17.4). Hobbes explains that the kingdom of God the Father was not the kingdom of Jesus by interpreting several New Testament texts. He emphasizes the difference in roles between Jesus and God the Father. While God the Father was king, Jesus insofar as he was the son of God was not.¹⁸ The Father commanded; Jesus counseled. Hobbes’s main interest is to locate the second kingdom of God in the indefinite future probably in order to make it irrelevant to current events.

In addition to the problem of identifying the referent of “populum” and the antecedent of “ipsos,” there is a problem of identifying the antecedent of “ipsum” in the following section. Hobbes says, “Christ was sent from

¹⁷ The Latin text is: “ad renovandum inter ipsos & Deum *Pactum novum*.”

¹⁸ Cf. DCv 17.4: “manifestum est, . . . *Christus Patri suo aequalis sit quod naturam*.”

God his Father to make a *covenant* between him [ipsum] and the people” (DCv 17.4). Because of the Latin use of “ipse,” its antecedent above is Christ, not God the Father. But that conflicts with what he said in section three and what he will say later: Christ had been sent to “strike a *Covenant* between God and men” (DCv 17.6: “ad *Pactum* inter Deum & homines *percutiendum*”); and “For the new, that is, the *Christian covenant*, it is covenanted . . . on the part of God, to *pardon their sins, and to lead them into his celestial kingdom*” (DCv 17.7: “*Pacto, enim, novo, hoc est Christiano, Conventum est . . . ex parte Dei, ut remitteret illis peccata, & in Regnum Coeleste ipsos introduceret*”).

What might Hobbes have said instead of making either God or Jesus the covenanting party? About Jesus, he could have asserted his traditional role as mediator. Someone in whom the covenanters have faith has to attest to God’s acceptance of sovereignty. As for the parties to the new covenant, these could be the first followers of Jesus, the apostles and disciples, who covenanted to take the God represented by Jesus as their special sovereign god. Although the first followers do not represent all human beings, the new covenant was open to all people. The apostles, in response to the instruction of Jesus, went to all nations (Matt. 28:19). When a sufficient number of people in a location could have their own assembly, they became a Christian church. When entire nations became Christian, national churches arose, similar to the way in which colonies became nations independent of their mother country. However, in separating from a nation, they did not necessarily take on a different sovereign. The former British Commonwealth was analogous. Queen Elizabeth II was the queen of the British Empire, and she remained the sovereign, as separate nations calved. Like Canada, Australia, and others, Great Britain retained Elizabeth II. The dual sovereignty of King James VI of Scotland and I of England is nowhere near as good an example; but at least Hobbes could have pointed out how the same man could bear two sovereign persons (cf. DH 15.3), just as the same God could bear two (or more) artificial persons. (There are irrelevant differences between God’s sovereignty over Christian churches and James’s sovereignty over Scotland and England, so objections could be made to the analogy. But it is an analogy.)

Many interpreters of Hobbes believe that he often conveyed a secret message about the incoherence of Christianity. My simple reply is that philosophy is difficult. Human fallibility is generally a better explanation for a falsehood than communicative tergiversation. It is not surprising that Hobbes did not produce a perfect system in his lifetime, long as it was. He could have done a better job with just the conceptual materials he had at

hand, as I think Bernard Gert did (Gert 2010; cf. Martinich 2012b). Hobbes certainly could have done more with the idea of gifts in the state of nature. For example, if a person gives his right to something to another person and then acts as if he still had the right to that thing, he acts “without right” and therefore unjustly. A covenant is unnecessary. Hobbes compounds his mistake in *Leviathan* when he says, “where there is no coercive *Power* erected, that is, where there is no Common-wealth, there is no Propriety [Property]” (L 15.3: 220; cf. 14.10: 204). Property can exist in the state of nature. If all the people in a particular region unilaterally transfer their right to something to a person *P*, then that thing should count as the property of *P* since *P* is the only person who has a right to that thing. *P* can call the thing “meum” by right (cf. DCv 6.1, and Chapter 8).

Faith

Although faith has been mentioned extensively already in this chapter, it has not been a theme. But it needs to be now because it is a salient element of *both* human sovereign-making covenants and the biblical ones. Faith is often thought of as primarily a religious phenomenon. The faith of Abraham, Moses, or some other revered figure from the Old Covenant, are paradigmatic examples. But the phenomenon is much broader. People have faith in their friends, their spouses, and their Japanese or German automobiles. Faith sometimes has literally a cash value. Government issued bonds are backed by the “full faith and credit” of the issuer (see also the US Constitution, Article 4, section 1).

The belief that covenants are exclusively or primarily religious often elides with the idea that faith is inherently irrational. It is not. Whether faith in something is rational or not depends on whether the evidence available sufficiently supports it or not. Having faith in friends who have helped a person in difficult times and have always kept their word is rational. This is not to say that rational faith stays within the bounds of its evidence. Faith is projected into unknown areas, usually the future, but sometimes the past as in having faith that a reliable and considerate friend would have called if she had been able to.

The proper contrast to rational faith is non-rational faith; and it divides into the irrational and the non-irrational. Irrational faith goes against what the evidence indicates. Although many theists have an irrational faith, they are not the only ones. If Mr. Naïve has faith in his “friend” Ms. Con, even though Con has repeatedly disappointed Naïve by breaking her promises and undermining Naïve’s projects, then Naïve’s faith in Con is irrational.

That leaves non-irrational faith for discussion. People often have faith in someone for some project when the evidence available is insufficient to be rational and not so adverse as to be irrational. Here is an example: Walker is lost in a large city. Walker goes up to Bystander and asks, “Can you tell me how to get to Beacon Street?” Bystander says, “Go one block past the traffic signal and turn left. It’s about three blocks down from there.” If Walker follows Bystander’s directions, faith has been placed in Bystander, even though Walker has no particular knowledge of Bystander or evidence of his trustworthiness.

Although the scenario with Walker and Bystander does not include a covenant, people in the state of nature have to have faith that their covenanters will not act without faith. This faith is not rational and not irrational faith, but non-irrational faith. Although Hobbes does not make a theme of non-religious faith, he does say that a contract involves mutual faith [“*fides mutua*”] (DCv 2.11). Shortly after in the same chapter, he writes, “he who is held by a covenant is believed [he will keep it], for the chain [strength] of covenants is faith alone” (DCv 2.18: “*ei qui pacto tenetur, creditur: pactorum enim vinculum sola fides est*”). Hobbes continued to hold that covenants depend on faith. In *Leviathan*, he wrote, “he that is to perform [an action] in time to come, being trusted,¹⁹ his performance is called *keeping of promise*, or *faith*; and the failure of performance, *Violation of faith*” (L 14.11: 204; LL 14.11: 205: ad Contractum exequendum altero prior esse potest; tunc posteriori *Credi* sive *Fides haberi* dicitur; & Promissio ejus *Pactum* dicitur; & non praestitisse, *Violatio Fidei*).²⁰ Faith and covenants go together because, as Hobbes said, as regards a covenant, a person “is to perform in time to come.” And Hobbes wrote that civil societies required faith and compacts in order to create civil societies (DCv 1.2 “born fit”: “*sed Foedera, quibus faciendis fides & pacta necessaria sunt*”).²¹ Why Hobbes does not say more about faith is a matter of conjecture. Perhaps he thought it might look like a weakness in his political philosophy.

¹⁹ As this quotation and the corresponding Latin text indicate, having faith in something is either the same as or very close to being the same as trusting. Faith and trust are discussed further below in the main text.

²⁰ The corresponding Latin is not an exact translation of the English. The Latin says in effect that if one party executes the contract before the other, then the second party is said to be believed or to have faith; and the promise is called a covenant; and not to satisfy it is a violation of faith. Noel Malcolm’s translation in my opinion unnecessarily departs from English cognates of the Latin.

²¹ Tuck and Silverthorne (1998: 24) translate “Foedera” as “alliances” and “pacta” as “agreements.”

Relatively few people today think that any faith is knowledge. David Hume argued that people have a natural inclination to believe that the sun will rise tomorrow even though no one strictly knows that it will. But betting against the sun is a fool's bet; and lacking faith in the ten-year past performance of a mutual fund is no formula for success.

It should not be surprising that faith is not a distinctively religious concept. In order to be intelligible, concepts have to be traceable back to experiences or propositions about ordinary experience. It is fair to say that Hobbes realized this, given his discussions of the ordinary uses of words used in the Bible, such as "prophet" and "spirit." If a word does not make sense in a non-religious context, it cannot make sense in a religious one. The concepts of omnipotence, omniscience, and omnibenevolence intelligibly apply to the Judeo-Christian-Islamic God because those concepts result from combining *every* with *power*, *science* or *knowledge*, and *benevolence*, respectively. That these terms are not distinctively religious language is evident from the true statement: "No animal is omnipotent."

Religious language absorbs sense from the non-religious language. Words that originated in ordinary experience may take on new semantic features that they did not have in their original usage. And those transformed words can be re-absorbed by non-religious language. As regards covenants, the Bible took that concept from ancient Near Eastern, non-Israelite cultures and applied it to relations with God (Mendenhall 1954). While Hobbes probably did not know of its origin, the situations in which covenants occur in the Bible were sufficient for him to understand what they were. Given the commonality of covenants and their prominence in Hobbes's discussions of politics and religion, a commentator cannot justifiably ignore the religious connotation of covenants. This is especially true of *On the Citizen*.

It is appropriate to comment here on Hobbes's uses of "fides" and "fiducia." Unlike English, the Latin words for faith (*fides*) and for trust (*fiducia*) are etymologically related. A sensible decision about translating these two words, especially when they occur closely in a passage, would be to uniformly translate them as *faith* and *trust*, respectively, with a note about their etymological relation. Charles Cotton, who is probably the first translator of *On the Citizen* (Malcolm 2002: 234–58), obscures Hobbes's view by translating "fides" sometimes as *faith* and sometimes as *trust*. It appears that a desire to avoid using the same English word when "fides" occurs twice in close proximity motivates his practice. For example, at *On the Citizen* 2.20, shortly after Hobbes wrote that people

who do not keep their oaths violate their faith, he wrote that those who violate their faith are accustomed to break their faith (DCv 2.23). However, Cotton translates the first occurrence of “*fides*” as *faith* and the second one as *trust*. Later in the same chapter, Hobbes says that a person “who is held by a covenant is *believed* (for the chain that a covenant has is faith alone)” (DCv 2.18). Since translating “*creditur*” as “he is believed” does not result in idiomatic English, Cotton understandably translated “*creditur*” as *he is trusted* (DCv 2.18). Without the Latin text, a reader would be misled. Cotton’s practice can be excused to some extent because Hobbes himself sometimes translates “trust” as “*fides*” (L 7.6: 102) and, in the same paragraph, “faith and trust” simply as “*fides*”; and in the paragraph following it “Beleefe, Faith, and Trust” simply as “*fides*” (L 7.7: 102). The semantic closeness of faith, trust, and belief are indicated in this passage of *Leviathan*: “BELEEEFE, and FAITH: *Faith*, in the man; *Beleefe*, both of the man, and of the truth of what he says … To have *faith in*, or *trust to*, or *believe a man*, signify the same thing; namely, an opinion of the veracity of the man” (L 7.5: 100).²²

Conclusion

In *On the Citizen*, Hobbes is primarily interested in explaining the logic of covenants that create sovereigns constituted by human beings. A central point is that the sovereign cannot be a party to the covenant. The biblical conceptions of covenant probably inspired him to some extent because of its prominence. However, the biblical authors did not construct their narratives about covenants involving God with any political theory in mind. For them, taking the idea of covenant from the culture of the Eastern Mediterranean, God was a party to the covenants that established his special sovereignty over particular people. Hobbes’s words commit him to that position. He did not explain the discrepancy, between ordinary and divine sovereign-making covenants. He had nothing to gain by doing so. If he had argued that God was not a covenanting party, his opponents would have criticized him for introducing a new interpretation of the Bible. Nonetheless, I think he had the resources to assimilate the structure of the divine covenants to secular ones. About the covenants with Abraham, he could have said simply that they were not sovereign-making. About the

²² In the parallel passage of *The Elements of Law*, Hobbes leaves out faith and explicates belief as “the admitting of Propositions upon *Trust*” (EL 6.9).

sovereign-making covenants with Moses and Jesus, he could have said that Moses and Jesus were the mediators or representatives necessary for completing a covenant among the people and in which God was only a third-party beneficiary. However, if he had said this, his opponents probably would have accused him of introducing a novelty into Christian theology. In the 1640s, he was not inclined to do that.

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